The City Council of the City of Raleigh met in regular session on Tuesday, May 7, 1985, at 1:00 p.m. in the Council Chamber of the Municipal Buildings, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

The Mayor called the meeting to order and invocation was rendered by the Reverend Robert Kepley, St. Philip's Lutheran Church, after which the following matters were discussed, with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - AMERICAN BUSINESS WOMEN'S EDUCATION MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May, 1985 as American Business Women's Education Month in the City of Raleigh. The proclamation was accepted by Phyliss F. Flynn, Chairwoman of the Wake County American Business Women's Association Exchange. Members of the seven ABWA chapters in the City were also present.

***PROCLAMATION - SMALL BUSINESS WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week of May 5, 1985 as Small Business Week in the City of Raleigh. The Proclamation was accepted by Ron Smith, Small Business Council Chairman of the Greater Raleigh Chamber of Commerce.

***PROCLAMATION - PRESERVATION WEEK FOR THE CITY OF RALEIGH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Preservation Week for the City of Raleigh. The Proclamation was accepted by Charlene Askew, President of the Mordecai Square Historical Society.

***PROCLAMATION - TEACHER APPRECIATION DAY IN RALEIGH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May 8 as Teacher Appreciation Day in the City of Raleigh. The proclamation was received by Ms. Babb, who will pass it to Karen Garr, who was recently elected President-elect of a State-wide teachers' organization.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda, indicating all items are considered to be routine and may be enacted by one motion. He explained if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. He pointed out the vote on the Consent Agenda would be a roll call vote.

Mr. Walters requested that the Rehabilitation Warranty - 314 South Swain Street be withdrawn. Mrs. Cates requested that the following items be withdrawn: Fees and Charges for Park Facilities Use; Lease for Cablevision Access Studio, and the transfer in the Public Works Department relating to the Municipal Building Parking Deck. Mr. Calloway requested that the submittal of Grant Requests relating to Raleigh Housing Authority be withdrawn. Without objection these items were withdrawn from the Consent Agenda. Mr. Congleton moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REFUSE COLLECTION AND DISPOSAL - FEE SCHEDULE - ORDINANCE ADOPTED TO BE EFFECTIVE JULY 1, 1985

The City charges a fee for refuse collection and disposal to agencies which are exempt from the property tax. These fees need to be increased to reflect the actual costs to the City. Included in the Council Agenda packet was a proposed ordinance for consideration as well as a copy of the current City Code and adopted fee schedule. It has been approximately three years since the current rates were established.

Recommendation: That an ordinance be adopted as included in the Agenda packet to increase the refuse collection and disposal. Consent Agenda approval Congleton/Babb - eight ayes.

ORDINANCE NO. (1985) 553

AN ORDINANCE TO AMEND THE CITY OF RALEIGH CHARGES FOR REFUSE COLLECTION AND DISPOSAL FEES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 7-3006 (b) (1) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(1) Service of four 35-gallon cans, three times per week..... $ 66.78"

Section 2. Subsection 7-006 (b) (2) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(2) Service of one 8-cubic-yard container, twice per week..... $ 515.74"

Section 3. Subsection 7-3006 (b) (3) of the Raleigh City Code is hereby repealed, rewritten, and re-enacted to read as follows:

"(3) Service of one roll-off container from 35 to 45 cubic yards' capacity, once each week..... $2,813.08"

Section 4. The last sentence of Subsection 7-3007 (b) of the Raleigh CIty Code is hereby repealed, rewritten, and re-enacted to read as follows:

"Persons hauling waste material generated from properties which are tax exempt from the ad valorem property tax levied by the City shall be charged disposal fees of four dollars and sixty-six cents ($4.66) per ton."

Section 5. That this ordinance shall become effective July 1, 1985.

Adopted: 5/7/85

Effective: 7/1/85

***REFUSE COLLECTION UNIT - PURCHASE APPROVED - FUNDS APPROPRIATED

The growth of the City and the increase in the number of dwelling units will necessitate additional garbage collection routes and these will be addressed in the proposed 1985-86 Budget. Purchase of the collection vehicle is a time consuming process. To reduce the time lost to purchasing this equipment, it is proposed that the Council approve a transfer of funds to allow the purchase process for a collection vehicle to commence at this time.

Recommendation: That a transfer of funds in the amount of $65,000 from City Council Contingency be authorized. Consent Agenda approval Congleton/Babb - Eight ayes. See Ordinance 555 TF 21.

***FINANCE - CASH REGISTER SYSTEM - PROPOSAL APPROVED

Included in the current budget is a program to purchase a cash register system for the Collections Office. Proposals have been received with the proposal by International Computers Limited, Incorporated (ICL), meeting all the City's specifications including a "turn key" installation. A proposal submitted by NCR did not meet the City's specifications. The total cost of the ICL installation is $80,000 and can be acquired on a five-year lease purchase arrangement with an approximate cost of $18,650 plus $16,500 in annual maintenance.

Proposals have also been received for financing the five-year purchase with the best proposal being 8% from Southern National Leasing Corporation. This is a very attractive rate and is .38% less than the City's most recent bond sale.

Recommendation: That the Council approve the proposal from ICL for the purchase of the cash register system at a purchase price of $80,000 and, in addition, that the Council approve the financing of the installation through a five-year lease purchase contract with Southern National Leasing Corporation at 8%. Consent Agenda approval Congleton/Babb - eight ayes.

***PARKS GRANT - ACCEPTANCE - APPROVED - MAYOR AUTHORIZED TO EXECUTE AGREEMENT

On March 14, 1985, the Wake County Parks and Recreation Commission awarded two grants totaling $56,000 to the City's Parks and Recreation Department. These grants are for the following:

a. Initial development of Brookhaven Park - $25,000.

b. Construction of restrooms and picnic shelter facilities at Carolina Pines Park - $30,000.

Council approval is necessary to accept these two grants and to establish the proper budgetary accounts for their expenditure. Additional information was provided in the Agenda packet.

Recommendation: That the Council accept the above noted Parks grants and authorize execution of the appropriate agreements with Wake County. Consent Agenda approval - Congleton/Babb - Eight ayes. See Ordinance 554.

ORDINANCE NO. (1985) 554

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

Section 1. That the 1984/1985 Budget Ordinance be amended as follows to reflect acceptance of Parks Grant:

Revenue:	38-1-0090-0100	Wake Co.-Brookhaven Pk.	$25,000.00
Expense:	38-2-3530-0100	Brookhaven Park	25,000.00
Revenue:	37-1-0025-0300	Wake Co.-Carolina Pines	$30,000.00
Expense:	37-2-9035-0100	Carolina Pines	30,000.00

Adopted: 5/7/85

***STREET CLOSINGS - McDONALD LANE - RESOLUTION OF INTENT ADOPTED

A petition has been received requesting the Raleigh City Council to close a portion of McDonald Lane. The site of the closing is located from the northern intersection with Colonial Road to within 120 feet of Oberlin Road. In the Agenda packet was a copy of the petition and a map.

The reviewing agencies have recommended that the subject street be closed with the following conditions:

(1) That Lots 291, 284, 290, 289, and 288 be recombined into one lot in order to avoid the creation of landlocked parcels as a result of the closing.

(2) That a suitable turnaround be provided in the public right-of-way at the dead end of McDonald Lane at Oberlin Road.

Recommendation: That the City Council adopt a resolution of intent to close the subject right-of-way and set a date for a public hearing to be held on June 18, 1985. Consent Agenda approval. Congleton/Babb - Eight ayes.

RESOLUTION NO. (1985) 782

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF McDONALD LANE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

That portion of McDonald Lane lying between the line created by extending the south line of the property of Mr. and Mrs. Jack Morgan, Jr., 2022 McDonald Lane, Raleigh, N.C. (Tax Parcel 494-292) in a westerly direction across McDonald Lane to the east line of the property of the Trustees of White Memorial Presbyterian Church and the north right-of-way line of Colonial Drive when same intersects with McDonald Lane, as shown on Tax Map 494.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, June 18, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 5/7/85

***STREET CLOSING - SOUTH WEST STREET - RESOLUTION OF INTENT ADOPTED

The Raleigh City Council has been petitioned to close the southern 90 feet of South West Street. The site is located adjacent to the north side of the railroad right-of-way and south of West Martin Street. Included in the Agenda packet was a map with the location of the street portion requested for closing and a copy of the petition. Following the staff review of the closing, no adverse comments have been received.

Recommendation: That City Council adopt a resolution of intent to close the subject right-of-way and set a date for public hearing on this matter to be held on June 18, 1985. Consent Agenda approval. Congleton/Babb - Eight ayes.

RESOLUTION NO. (1985) 780

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF SOUTH WEST STREET RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Right-of-way for the extension of South West Street adjacent to Lot #11, Block A-32, Sheet #551, City of Raleigh Planning Department Property Map

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, June 18, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 5/7/85

***STREET CLOSING - KINDLEY STREET - RESOLUTION OF INTENT ADOPTED

A petition has been received from Carolina Power & Light Company requesting City Council to close a portion of Kindley Street. The requested street closing is located on the south side of the Southern Railway right-of-way, between tracts K-1 and K-2 of the Southside Urban Renewal Project. The site adjacent to the proposed closing (tracts K-1 and K-2) is presently under site plan review for the Carolina Power & Light Company Data Center (PA-48-85).

Following staff review, several comments have been made expressing concerns relating to the subject closing. The comments are as follows:

(1) That a cul-de-sac to City standards be constructed at the end of the subject closing.

(2) That a minimum 30-foot wide easement be retained for existing water and sewer lines in the subject right-of-way.

A copy of the petition and map was included in the Council's Agenda packet.

Recommendation: That the City Council adopt a resolution of intent to close the subject right-of-way, and set a date for public hearing on the matter to be held on June 18, 1985. Consent Agenda Approval. Congleton/Babb - Eight ayes.

RESOLUTION NO. (1985) 781

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF KINDLEY STREET RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Kindley Street located south of the railroad bridge and contiguous to K1 and K2, South Side Urban Renewal Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, June 18, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 5/7/85

***MUNICIPAL BUILDING - ELEVATOR MAINTENANCE CONTRACT - BID AWARDED TO GODWIN ELEVATOR COMPANY

Proposals have been received for the maintenance of the elevators in the new Municipal Building. The proposals and analysis were included in the Agenda packet. The low quote is not recommended due to adverse experience with the firm on a current contract with the City.

Recommendation: That the Council accept the second low quote by Godwin Elevator Company for $495 per month which is based on a five-year renewable contract with an annual cost of $5,940. Consent Agenda Approval. Congleton/Babb - eight ayes.

***PARKS - CP&L EASEMENT - APPROVED

To provide electric service to park facilities at Cedar Hills Park and Lake Johnson, it is necessary to grant to CP&L an easement across City park property to serve the proposed park facilities.

Recommendation: That Council approve the granting of an easement on City property to serve the park facilities being built at Lake Johnson (pool) and Cedar Hills Park (restrooms and ballfield). Consent Agenda approval. Congleton/Babb - eight ayes.

***MUNICIPAL AGREEMENT - TRAFFIC SIGNAL MAINTENANCE - APPROVED

A supplemental agreement has been developed to provide for adjustments in the rates that the City is reimbursed for maintenance of signals on State system streets. The State has proposed a new schedule which will result in an additional amount of reimbursement to the City of approximately $42,000 per year. A copy was included in the Agenda packet.

Recommendation: That the Council approve the supplemental Municipal Agreement with the State. Consent Agenda approval. Congleton/ Babb - Eight ayes.

***TELECOMMUNICATIONS COMMISSION - REPORTING OF MINUTES - CLERK'S OFFICE AUTHORIZED

As part of the recent management analysis, it was noted that the recording of minutes for the Commission meetings should be done by the City Clerk's Office or by a special service firm. The Telecommunications Commission has requested such assistance. This has been reviewed with the City Clerk.

Recommendation: That the Council authorize the City Clerk to provide staff assistance for the taking of minutes for the meetings of the Telecommunications Commission. This would not apply to subcommittees. Consent Agenda approval. Congleton/Babb - Eight ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON SECOND FINAL READING

During the April 16, 1985 Council meeting, the following applications for taxicab owner's permits were approved:

Maurice L. N. Ochola, Research Triangle Taxi and Transfer Company (New Individual Owner's Permit)
Johnny Nyaga Kagua, Safeway Cab Company (Renewal of Individual Owner's Permit)

Recommendation: That the applications be approved on second and final reading. Consent Agenda Approval. Congleton/Babb - Eight ayes.

***TAXICAB FRANCHISE - CHANGE OF OWNERSHIP - APPROVED

The application for change of ownership of an established taxicab franchise was approved on the first reading during he April 16, 1985, Council Meeting. It would be appropriate for the Council to approve this on a second and final consideration.

In accordance with City Code Section 12-2059, Mr. John H. Bryant has attested to the fact that he is selling his company that operates under the trade name of "Cardinal Cab Company" to Mr. Nelson N. Ngari.

It is understood by both parties concerned that, once change of ownership takes place, there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs.

On March 19, 1985, Mr. Ngari acknowledged this agreement and at this time is hereby making application for the above mentioned franchise.

An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval for such action to be taken.

Recommendation: That the application for change be approved on second and final reading. Consent Agenda approval. Congleton/Babb - Eight ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING - TO BE PLACED ON 5-21-85 AGENDA

An application has been received from the following to operate a Taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code:

Mrs. Claudia J. Hayes, Triangle Cab Company (New Individual Owner's Permit)

Recommendation: Approval is recommended with the understanding the application would be placed on the May 21, 1985 agenda for second and final consideration. Consent Agenda approval. Congleton/Babb - Eight ayes.

***TAXICAB FRANCHISE RENEWAL/NAME CHANGE - APPROVED ON FIRST READING - TO BE PLACED ON MAY 21 AGENDA

Mr. Silas Webb, Jr., has applied to renew his franchise and to change the name of his company from Webb Limousine and Taxi Company to Hollywood Limousine.

This request is in accordance with the applicable sections of the City Code.

An investigation of the applicant was satisfactory; therefore, Administration has no objection at this time for Council approval. If this request is approved on the first reading, it would be appropriate for it to be placed on the May 21, 1985, Agenda for second and final consideration.

Consent Agenda Approval. Congleton/Babb - Eight Ayes.

***ATLANTIC AVENUE - CONDEMNATION - 2038 QUAIL FOREST DRIVE - APPROVED

Efforts have been unsuccessful to obtain needed right-of-way; therefore, Administration is recommending that a resolution of condemnation be authorized.

Name:	McCombs Properties VII, Ltd.
Site Location:	Forest Oaks Apartments - 2038 Quail Forest Drive
Project Name:	Atlantic Avenue

Consent Agenda approval. Congleton/Babb - Eight ayes. See Resolution 784. (Page 522)

***MUNICIPAL BUILDING PARKING DECK - CHANGE ORDER GC-3 - APPROVED - MANAGER'S ACTIONS CONCURRED WITH

The Agenda indicated Change Order GC-3 - Municipal Building Parking Deck - Suitt Construction Company, which is a reduction of $396, has been administratively approved by the City Manager. A transfer has also been administratively approved. Concurrence with the Manager's action is recommended. Consent Agenda approval. Congleton/Babb - Eight ayes.

***LAKE JOHNSON POOL - CHANGE ORDER - P-3 - MANAGER'S ACTION CONCURRED WITH

The Agenda indicated Change Order P-3 with AAA Electrical Company, Incorporated, which is an addition of $327.96, has been administratively approved by the City Manager. It was pointed out the Change Order is needed to install backwater valves in the pool filter room. Appropriate budget accounts have also been administratively amended. Concurrence with the Manager's Action is recommended. Consent Agenda approval. Congleton/Babb - Eight ayes.

***MILLBROOK ROAD RELOCATION - FUNDS APPROPRIATED

A capital project initiation form in the amount of $67,000 was present relating to Millbrook Road relocation. The form called for the transferring of the $67,000 from the Atlantic Avenue account, with it being pointed out, this is needed to provide funds for Seaboard Railroad to relocate signals and construct crossings at the new alignment for Millbrook Road. Administration recommends approval. Consent Agenda approval. Congleton/Babb - Eight ayes. See Ordinance 555TF21.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED

Council members received in their Agenda packet a list of Administrative transfers which have been authorized by the City Manager, according to Council procedure. The list is as follows:

FROM:	TO:	AMOUNT:
19-2-8130-0554	19-2-8130-0221	$ 200.00
01-2-4130-0265	01-2-4110-0231	985.00
01-2-6010-0275	01-2-6010-0221	950.00
01-2-5010-0702	01-2-5010-0260	400.00
01-2-1090-0260	01-2-1090-0231	91.50
18-2-0500-0258	18-2-0500-0237	500.00
01-2-1040-0001	01-2-1120-0260	200.00
01-2-1040-0001	01-2-1120-0240	300.00
01-2-5060-0225	01-2-5060-0229	50.00
01-2-5060-0225	01-2-5060-0623	250.00
01-2-5060-0225	01-2-5060-0257	800.00
01-2-5060-0285	01-2-5060-0264	160.00
01-2-1230-0281	01-2-1230-0921	60.00
19-2-8430-0534	19-2-8430-0101	350.00
19-2-8430-0100	19-2-8430-0101	350.00
01-2-1160-0226	01-2-1160-0260	20.50
01-2-4020-0266	01-2-4020-0264	500.00
43-2-3010-0231	43-2-3010-0226	2.58
01-2-1210-0213	01-2-1210-0211	950.00
01-2-3010-0265	01-2-3010-0260	$ 300.00
37-2-1081-0100	37-2-1081-0104	36.08
01-2-5060-0225	01-2-5060-0601	920.00
01-2-5060-0225	01-2-5060-0229	180.00
06-2-7040-0705	06-2-7040-0725	900.00

Recommendation: Concurrence with the Manager's Action is recommended. Consent Agenda approval. Congleton/Babb -Eight ayes.

***TRANSFERS WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Departments of Community Development, Finance, Parks and Recreation, Police, Public Utilities, Public Works and Safety, for purposes as stated in the Agenda.

Recommendation: That the transfers as outlined be authorized. Consent Agenda approval. Congleton/Babb - Eight ayes.

***BID REQUEST - 84-58 ROTARY GRAIN COMBINE - BID AWARDED TO GOLDSBORO TRACTOR AND EQUIPMENT COMPANY

Pursuant to advertising as required by law, bids were received and publically opened in the office of the Purchasing Agent, on April 11, 1985, for a rotary grain combine, with the results as follows:

Goldsboro Tractor & Equipment Company	$79,890.00
Martin Brothers Equipment Company,Inc.	89,977.33
Senter-Sanders Tractor Corporation	93,113.32

Administration recommends the low bid submitted by Goldsboro Tractor and Equipment be awarded. Consent Agenda approval. Congleton/Babb - Eight ayes.

***BID REQUEST 84-62 - TWO PORTABLE ELECTRIC GENERATORS - BID AWARDED TO COVINGTON DIESEL, INCORPORATED

Pursuant to advertising as required by law, bids were received and publically opened in the office of the Purchasing Agent, on April 25, 1985, for two portable electric generators, with results as follows:

Covington Diesel, Incorporated	$ 43,324.00;
Gregory Poole Equipment	45,770.00;

Recommendation: Administration recommends the low bid submitted by Covington Diesel, Incorporated be awarded. Consent Agenda approval. Congleton/Babb - Eight Ayes.

***BID REQUEST 84-63 - FIVE DUMP BODIES - BID AWARDED TO MILLER MANUFACTURING COMPANY

Pursuant to advertising as required by law, bids were received and publically opened in the office of the Purchasing Agent, on April 25, 1985, for five dump bodies, with the results as follows:

Miller Manufacturing Company	$ 14,175.00
Godwin Manufacturing Company	14,445.00
Simpsion Equipment Corporation	19,900.00

Recommendation: Administration recommends that the low bid submitted by Miller Manufacturing Company be awarded. Consent Agenda approval. Congleton/Babb - Eight ayes.

***BID REQUEST - 84-64 - THREE-TON TILT DECK TRAILERS - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertising as required by law, bids were received and publically opened in the office of the Purchasing Agent, on April 25, 1985,for three twelve-ton tilt deck trailers, with the results as follows:

N. C. Equipment Company	$ 18,861.00
E. F. Craven Company	28,308.00
Interstate Equipment Company	32,175.00

Recommendation: Administration recommends the low bid submitted by N. C. Equipment Company be awarded. Consent Agenda approval. Congleton/Babb - Eight ayes.

***BIDS - ROOF REPAIRS AT CHAVIS, JAYCEE, LION'S CENTER - BID AWARDED TO BAKER ROOFING COMPANY

Bids were received on March 28, 1985, for roof repairs to Chavis, Jaycee, and Lions Community Centers. This was the second advertisement for bids. Two bids were received as follows:

Baker Roofing Company

	BASE BID	ALTERNATE
(Chavis)	$ 58,806.00	$ 10,915.00
(Lions)	58,806.00	10,915.00
(Jaycee)	58,806.00	10,915.00
	$176,418.00	$ 32,745.00

Deans Roofing Company

(Chavis)	$ 57,935.00	$ 3,945.00
(Lions)	57,935.00	3,945.00
(Jaycee)	57,935.00	3,945.00
	$173,805.00	$ 11,835.00

Copies of the bid tabulations were included in the Council Members' Agenda packet.

Recommendation: Administration recommends that the alternates, which include repairs to the gymnasium roofs only, at a cost of $11,835 be awarded to the low bidder, Deans Roofing Company, Inc.

Further, if this bid is approved, a Capital Project Budgetary transfer should be approved as follows:

Transferred From:		
37-2-1081-0100	Roof Repairs	$11,835.00
Transferred To:		
37-2-1081-0185	Roof Repairs, Gyms	$11,835.00

Consent Agenda approval. Congleton/Babb - Eight ayes. City Ordinance 555TF121.

***PU 1985-12 - BEN BUR ROAD - RESOLUTION OF INTENT ADOPTED

Administration recommends that approximately seven hundred feet of eight-inch sewer main be installed in Ben Bur Road, located south of Lynn Road and north of Wynbrook Way/Fieldstream Farm Subdivision. The estimated cost of the project is $16,800. Assessment would be on a per lot basis.

Recommendation: That the City Council adopt a resolution of intent and that a public hearing date of June 4, 1985. Consent Agenda approval. Congleton/Babb - Eight ayes.

RESOLUTION NO. (1985) 778

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREON AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

PU 1985-12 - Installation of approximately 700 feet of 8-inch sewer main in Ben-Bur Road located south of Lynn Road and north of Wynbrook Way/Fieldstream Farm Subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: On a per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 4th day of June, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 5/7/85

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to lane channelization, loading zones, no parking, and parking restrictions.

Recommendation - Administration recommends that the traffic changes as outlined on the Agenda be approved. Consent Agenda approval. Congleton/Babb - Eight ayes.

ORDINANCE NO. (1985) 556

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 6B8 entitled CHANNELIZATION be amended by adding the following:

Hillsborough Street, westward at Gardner Street

Section 2. That Schedule No. 6B10 entitled CHANNELIZATION be amended by adding the following:

Hillsborough Street, eastward at Gardner Street

Section 3. That Schedule No. 13 entitled NO PARKING be amended by adding the following:

Martin Street, north side, beginning at Haywood Street, westward 75 feet

Martin Street, south side, beginning at Haywood Street, westward 75 feet

Wayland Drive, both sides from Oberlin Road, westward 50 feet

Amend said Schedule further by deleting the following:

Wayland Drive, southwest corner at Oberlin Road 50 feet

Section 4. That Schedule No. 15B entitled THIRTY MINUTE PARKING be amended by adding the following:

Morgan Street, north side, beginning at a point 238 feet east of McDowell Street, eastward 60 feet

Section 5. That a Schedule No. 17 be amended by adding the following:

Hillsborough Street, north side, beginning 15 feet east of Horne Street, eastward 36 feet

Amend said Schedule further by deleting the following:

Hillsborough Street, north side, beginning 15 feet east of Horne Street, eastward 79 feet

Section 6. That Schedule No. 18 be amended by adding the following:

Hillsborough Street, north side, beginning at Chamberlain Street westward 57 feet

Harrington Street, east side, beginning at a point 75 feet south of Johnson Street, southward 240 feet

Section 7. That Schedule No. 18 be amended by deleting the following:

Harrington Street, east side, beginning at a point 75 feet south of Johnson Street, southward 240 feet

Hillsborough Street, north side beginning at Chamberlain Street, westward 37 feet

Section 8. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. That this ordinance shall become effective May 14, 1985.

Adopted: 5/7/85

Effective: 5/14/85

END OF CONSENT AGENDA

***RALEIGH HOUSING AUTHORITY - SUBMISSION OF GRANT - AUTHORIZED

The Raleigh Housing Authority has developed a proposed grant project which it desires to submit to the Governor's Crime Commission. The project involves the identification of 80 youths residing in the housing project who would participate in a Youth Leadership Development Program. The individuals would be hired on a part-time basis and receive counseling on the importance of protecting the area and facilities from vandalism and reduce juvenile crime.

The City must concur with the project. No "City" funds are involved. Local funds would be provided by the Housing Authority.

Mr. Calloway indicated he had requested that this item be withdrawn from the Consent Agenda, questioning if this is a work-type program, or counseling, with City Manager indicating it is his understanding it is a combination. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMMUNITY DEVELOPMENT - REHAB WARRANTY - 314 SOUTH SWAIN STREET - REFERRED TO PUBLIC WORKS COMMITTEE

The Community Development Department for the City was notified by the Raleigh Housing Authority of failure of a contractor to properly repair a leaking roof for a rehab for resale structure at 314 South Swain Street.

Contact with this contractor, Continental Trim, has not produced any effort on his part to make the necessary repairs.

Recommendation: That $500 be approved from rehab warranty funds to make the necessary repairs, and that our attorney take appropriate action against the contractor for faulty workmanship.

Mr. Walters indicated he had pulled this item from the Consent Agenda explaining Continental Trim told him that they were delinquent in getting the roof repaired and, therefore, they paid the Housing Authority and as he understands it, this would be a second repair. He pointed out it is his understanding the company came in, worked less than an hour and charged $479 and that was paid for. William Williams of the Housing Authority pointed out a seconded contractor did come in and do the work, however, this is another correction. Mr. Walters moved that rehab warranty relating to 314 South Swain Street be referred to Public Works Committee. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PARKS FACILITIES YOUTH - FEES AND CHARGES - APPROVED; SWIMMING POOL LANE RENTAL - REFERRED TO LAW AND FINANCE COMMITTEE

A review has been made of the various fees and charges for the Parks and Recreation Program. A copy of the proposed fees was included in the Agenda packet. This schedule has been reviewed and approved by the Parks and Recreation Advisory Committee. The major areas of adjustment are:

a. Lake Wheeler

Establish a Season Pass for Fishing.

b. Amusement Areas (Pullen and Chavis)

Establish a book of twenty (20) ride tickets for use on train, carousel, and kiddie boats.

c. Swimming Pools

Establish rates for Season Passes for Summer and Winter Seasons for non-City residents.

d. Swimming Pools

Establish rates for Winter Punch Cards for non-City Residents.

e. Swimming Pools

Provide increase in Lane Rentals for Competitive Swim Teams.

f. Swimming Pools

Provide a rate for private (exclusive) rental of pools by groups after normal operating hours.

g. Durant Nature Park

Increase fee for use of overnight camping area.

h. Durant Nature Park

Increase fee for Naturalists/Course Instructors that teach special classes.

Recommendation: That the schedule of fees and charges be approved as submitted. Submitted and dated April 17, 1985 (copy available in the Clerk's Office and Parks and Recreation Department).

Ms. Cates indicated she has some concerns about the lane rental pointing out this is the only thing that does not become effective until '86. Ms. Cates moved approval of the fees and charges as included in the Agenda packet dated April 17, 1985, with the exception of the swimming pool lane rental item which she suggested go to Law and Finance Committee. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CABLEVISION ACCESS STUDIO - LEASE - APPROVED FOR SUBMITTAL TO CABLEVISION OF RALEIGH

Pursuant to the plans for development of the access studio, it has been planned to lease an area of approximately 3,000 square feet in the Civic Center to Cablevision of Raleigh for the studio. Included in the Agenda packet was a proposed lease.

Recommendation: That the Council approve this document and authorize its submittal to Cablevision of Raleigh for review and approval.

Ms. Cates questioned who else had had the opportunity to review this lease agreement questioning if the Telecommunications Commission had had that opportunity. City Manager Benton indicated the City, as owner of the Civic Center, would be the agency

leasing to Cablevision. He pointed out the equipment, purchase of equipment, staff, etc., of the Access Center would be under the close scrutiny of the Telecommunications Commission but this is just a straight lease agreement. Ms. Cates questioned if Cablevision would have the exclusive use of the VIP Lounge with City Manager Benton pointing out the present location of the VIP Lounge would be the access studio but a VIP Lounge type area is being constructed as a part of the present walkway, meeting area, etc. Ms. Cates moved approval of the Manager's recommendation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***MUNICIPAL BUILDING PARKING DECK - TRANSFER - REFERRED TO THE MUNICIPAL BUILDING COMMITTEE

The Agenda presented a transfer in the amount of $1,064 needed to make final payment to architect-engineer for the municipal parking deck. The Agenda indicated the original appropriation was made based on estimates, actual cost of bids and change orders increased contract. The architect-engineer is based on percentage of contract.

Ms. Cates indicated she requested that this item be withdrawn from the Agenda pointing out the City is working with the State relative to building residents over a parking deck, therefore, she was wondering if our parking deck was constructed so that residential units could be built over the deck and if the City owned the air rights. Ms. Block passed out information from the architect-engineer - Carter Williams. Ms. Cates indicated she knew her questions really had nothing to do with this transfer but she felt it was a good opportunity to bring her question to light. She moved approval of the transfer. Her motion was seconded by Mr. Walters. Ms. Block indicated she would like to refer this item to the Municipal Building Committee. She indicated she is concerned about the heat in the walkway between the Municipal Building and the parking deck. She stated two ventilators have been installed but they are not doing a thing and she wondered if the architect was going to do something about the situation, therefore, she made a substitute motion that the transfer be referred to the Municipal Building Committee. Her substitute motion was seconded by Mr. Calloway. Mr. Walters indicated he is sure that the architect has completed the work and this is a transfer to make final payment, therefore, any other work that he does, we would have to pay for under a new contract as he has met the obligation of the original contract with Ms. Block indicating she was not sure of that. The substitute motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

***ANNEXATION - 1985 CITY INITIATED - AMENDED REPORTS ADOPTED: ORDINANCES ANNEXING AREAS EFFECTIVE JUNE 30, 1985 - ADOPTED

Pursuant to authority vested in the City Council of the City of Raleigh by Part 3, Article 4a, Chapter 160A of the General Statutes of North Carolina, the City of Raleigh has initiated the following annexation procedures. All procedures have been followed and public hearings were held on April 16 or April 18, 1985. It would be appropriate to further consider annexation of the following areas:

1. Lake Lynn Residential
2. Village-On-The-Green
3. Crown Oaks, Summerfield North, Weathersfield
4. The Landings at North Ridge
5. Riverbirch Township
6. Summerset North Market Square
7. North Boulevard Commercial
8. Tryon Road Industrial and State Complex
9. Farm Fresh Commercial

Included in the Council Members' Agenda packet were amended annexation reports. It would be appropriate for Council to adopt resolutions approving the amended reports.

Council Members also received in their Agenda packet proposed ordinances which will annex these areas into the City of Raleigh. The recommended effective date is June 30, 1985. It would be appropriate to consider adoption of the ordinances annexing the areas. Resolutions placing the areas into Council districts will be presented at a later meeting.

Mr. Walters indicated he had had a few calls relative to North Boulevard Commercial pointing out there are several residences in this area who are unhappy about the annexation and were not aware of what was going on. City Manager Benton explained the notification procedure and what has taken place to this point, after which Ms. Cates moved adoption of resolutions amending each of the annexation reports according to the information included in the Agenda packets and adoption of an ordinance annexing the areas effective June 30, 1985. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 785

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

LAKE LYNN RESIDENTIAL

Section 2. That such amendment shall be made available to the public in the office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 786

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

VILLAGE ON THE GREEN

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 787

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

CROWN OAKS, SUMMERFIELD NORTH, WEATHERSFIELD

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 788

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

THE LANDINGS AT NORTH RIDGE

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adoption: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 789

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

RIVERBIRCH TOWNHOUSES

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 790

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

SOMERSET, NORTH MARKET SQUARE

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 791

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

NORTH BOULEVARD COMMERCIAL

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 792

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

TRYON ROAD INDUSTRIAL (EAST) AND STATE COMPLEX

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

RESOLUTION NO. (1985) 793

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the amendment to the report on the following area, as provided by and prepared in conformity with G.S. 160-47, be and the same is hereby approved:

FARM FRESH

Section 2. That such amendment shall be made available to the public in the Office of the City Clerk.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: 5/7/85

Effective: 5/7/85

ORDINANCE NO. (1985) 544

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 16th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 20,138 feet in length of which 12,565 feet, or 62.4%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 297.17 acres in the area and an estimated 1,092 persons. The density is 3.69 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
LAKE LYNN RESIDENTIAL

BEGINNING at a point in the existing Raleigh City Limits, (January 1, 1985), said point also being in the northern right-of-way of Lynn Road and the western line of Brittany Woods Subdivision as shown on a map recorded in Book of Maps 1983, Page 765, Sheet 2 of 2; thence with the western and northern boundaries of Brittany Woods as shown on said recorded map and a map recorded in Book of Maps 1983, Page 765, Sheet 1 of 2, the following courses and distances: North 07° 11' 25" East 803.49 feet ±, North 07° 38' 44" East 1,100.26 feet ± to the northwestern corner of said subdivision; thence continuing with the boundaries of Brittany Woods as shown on said recorded maps the following courses and distances: South 82° 44' 47" East 522.52 feet ±, South 66° 04' 04" East 132.77 feet ±, North 45° 00' 46" East 122.93 feet ± to a point in the western right-of-way of Leesville Road (S.R. 1822), said right-of-way also being a boundary in Brittany Woods Subdivision as shown on said recorded maps; thence southeasterly with the western right-of-way of Leesville Road 445 feet ± to a point in the Brittany Woods boundary; thence continuing with the boundary of Brittany Woods as shown on said recorded maps the following courses and distances: South 73° 59' 57" West 347 feet ±, South 27° 03' 55" East 539.84 feet ±, South 22° 04' 50" East 38.18 feet ±, to a point in the eastern boundary of Brittany Woods Subdivision; thence the eastern boundary of Pickwick Village Subdivision, Section 4, Map 2 as recorded in Book of Maps 1979, Page 749 at the Wake County Registry and Pickwick Village Section 4, Map 3, recorded in Book of Maps 1979, Page 749 at the Wake County Registry the following courses and distances: South 22° 03' 55" East 83.43 feet ±, South 07° 52' 21" East 394.53 feet ±, North 77° 00' 51" East 750 feet ± to a point in the eastern right-of-way of Leesville Road (S.R. 1822); thence southeasterly with said right-of-way 80 feet ± to a point in the western line of Harbor Point Subdivision as shown on a map recorded in Book of Maps 1984, Page 594 of the Wake County Registry; thence with the western line of said subdivision North 00° 35' 37" West 240.47 feet ± to the northwestern corner of said subdivision; thence with the northern line of Harbor Point extended south 89° 55' 30" East 1,525 feet ± to a point in the 335 NGVD contour on the eastern shore of Lake Lynn, said contour being the western boundary of Barton's Landing Subdivision as shown on a map of Barton's Landing Phase 2 recorded in Book of Maps 1984, Page 1327 of the Wake County Registry; thence with the western boundary of Barton's Landing the following courses and distances: North 41° 55' 33" West 51.13 feet ±, North 27° 16' 19" West 83.08 feet ±, North 14° 51' 34" West 43.13 feet ±, North 01° 18' 14" East 73.91 feet ±, North 11° 05' 54" East 57.25 feet ±, North 18° 00' 52" East 44.90 feet ±, North 34° 01' 17" East 52.06 feet ±, North 47° 49' 14" East 42.05 feet ± to a point of intersection with the southern property line of the Woodlake Subdivision, said point also in said existing City Limits; thence following said existing City Limits and the southern boundary of Woodlake Subdivision as shown on a map of the annexation of Woodlake Subdivision as recorded in Wake County Book of Maps 1984, Page 1728, the following courses and distances: South 89° 09' 44" East 413.26 feet ±, South 89° 05' 13" East 274.26 feet ±, South 89° 08' 53" East 299.51 feet ±, South 87° 31' 17" East 549.38 feet ±, North 02° 23' 34" East 139.30 feet ±, North 02° 26' 54" East 399.33 feet ±, South 89° 43' 43" East 453.92 feet ± to a point in the western right-of-way line of Ray Road (S.R. 1826), said point also being said existing City Limits; thence following the western right-of-way of Ray Road southerly and westerly 5,050 feet ± to the intersection of said right-of-way and the northeastern right-of-way of Leesville Road (S.R. 1822); thence northerly along said northeastern right-of-way of Leesville Road 173 feet ± to its intersection with the centerline of Hare Snipe Creek; thence southerly along the centerline of Hare Snipe Creek 700 feet ± to the boundary of Tract 2 as shown on Wake County Book of Maps 1973, Volume 2, Page 222; thence northwesterly 420.13 feet ± along the boundary of said Tract 2 to a point; thence southwesterly 75 feet ± along the boundary of said Tract 2 to a point in the boundary of Pickwick Village, Map 2, as recorded in Wake County Book of Maps 1972, Volume 3, Page 335; thence northerly along the boundary of said Pickwick Village, Map 2, 314.73 feet ± to a point in the boundary of Pickwick Village, Section 2 of Map 1, Wake County Book of Maps 1973, Volume 4, Page 494; thence northwesterly along said boundary of Pickwick Village, Section 2, Map 1 across a lot marked "reserved" as shown on said Pickwick Village Subdivision, Section 2, Map 1, 60 feet ± to a point; thence northwesterly along said boundary of Pickwick Village, Section 2, Map 1, 1,034.41 feet ±

to a point in the eastern property line of Lot 28 as shown on a map entitled, "Recombination of Lots 31, 32, Subdivided Lots 28, 29," Wake County Book of Maps 1979, Page 139; thence northerly along the eastern property line of said lot 28 228.58 feet ± to the intersection of said property line and the northern property line of Lot 210 Wake County Tax Map 349 as shown on a map entitled, "Recombination of Lots 31, 32, Subdivided Lots 28, 29," Wake County Book of Maps 1979, Page 139; thence easterly along the northern property line extended of said Lot 210, 496.05 feet ± to a point; thence northwesterly along the northern property line of said Lot 210, 46.29 feet ± to a point in said boundary of Pickwick Village Subdivision, Section 2, Map 1; thence westerly along the boundary of said Pickwick Village Subdivision, Section 2, Map 1, 70 feet ± to the intersection of said boundary line and the boundary of Pickwick Village Subdivision Section 2, Map 2 as recorded in Wake County Book of Maps 1976, Volume 4, Page 448; thence northwesterly 156.24 feet ± along the boundary of Pickwick Village Subdivision, Section 2, Map 2, to its intersection with the eastern right-of-way of Glendower Road; thence northeasterly 93.78 feet ± with the east right-of-way of Glendower Road along the boundary of Pickwick Village Subdivision, Section 2, Map 2 to a point; thence northwesterly 231 feet ± along the boundary of Pickwick Village, Section 2, Map 2 to a point in the southeastern corner of Brittany Woods, Section 1 as shown on a map recorded in Wake County Book of Maps 1983, Page 765, Sheet 2 of 2; thence with the boundaries of said subdivision the following courses and distances: North 19° 19' 23" East 339.42 feet ± to a point in the northern right-of-way of Lynn Road; thence westerly with the northern right-of-way of Lynn Road 547.89 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 545

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 16th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area coincides with the existing municipal boundary (100% contiguous).

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 58.93 acres in the area and an estimated 426 persons. The density is 7.23 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
VILLAGE-ON-THE-GREEN

BEGINNING at a point in the existing Raleigh City Limits, (January 1, 1985), said point also being in the centerline of Lynn Road (S.R. 1829) and the eastern boundary extended of Magnolia Run Subdivision as shown on a map recorded in Book of Maps 1983, Page 1558 of the Wake County Registry; thence with said existing City Limits and the eastern boundary extended of Magnolia Run Subdivision according to said recorded map, North 09° 33' 12" East 1142.50 feet ± to the northeast corner of said subdivision, said point also being the northwestern corner of Village-on-the-Green Subdivision; thence with the northern boundary of Village-on-the-Green Subdivision as shown on the maps of Section 1 and 2 of said subdivision and recorded in the Wake County Registry in Book of Maps 1982, Page 320 and Book of Maps 1981, Page 1045 respectively South 88° 41' 55" East, 1273 feet ± to the northeastern corner of Village-on-the-Green Subdivision; thence with the eastern boundary of Section 2 of Village-on-the-Green Subdivision the following courses and distances: South 03° 17' 31" East 187.73 feet ± to a point, South 08° 47' 16" East 225.58 feet ± to the southeastern corner of said Section 2 of Village-on-the-Green Subdivision, said point also being shown on a map entitled "Annexation Map for Key Realty and Lumpkin Property in North Raleigh" drawn by the City of Raleigh, Department of Central Engineering and filed in that office in File Number M-219 the following courses and distances: South 28° 14' 41" East 153.13 feet ±, South 12° 14' 41" East 136.75 feet ±, South 02° 11' 41" East, 148.63 feet ±, North 70° 47' 19" East 129.29 feet ±, South 80° 27' 19" East 218.38 feet ±, South 07° 29' 59" West 164.40 feet ±, South 08° 29' 41" East 128.15 feet ±, South 64° 00' 18" West 123.60 feet ±, South 09° 30' 42" East 104.91 feet ±, South 43° 05' 18" West 84.70 feet ±, South 13° 25' 42" East 269.70 feet ±, South 07° 54' 42" East 110.65 feet ±, South 65° 11' 42" East 100.37 feet ±, South 15° 32' 42" East 82.45 feet ±, South 46° 54' 42" East 75.09 feet ±, North 75° 22' 12" West 1,320.30 feet ±, to a point in Lynn Road; thence following Lynn Road and said map North 60° 43' 42" West 396.62 feet ±; thence leaving Lynn Road as shown on said annexation map the following courses and distances: South 05° 18' 18" West 345.12 feet ±, North 58° 59' 42" West 349.87 feet ±; North 24° 39' 18" East 309.84 feet ±, to the centerline of Lynn Road, thence along Lynn Road North 59° 44' 42" West 180 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 546

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 16th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 25,900.15 feet in length of which 13,678.90 feet, or 52.8%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 594.45 acres in the area and an estimated 1,459 persons. The density is 2.45 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
CROWN OAKS, SUMMERFIELD NORTH, WEATHERSFIELD

Beginning at a point in the existing City Limits (January 1, 1985), said point also being in the northern right-of-way of Sawmill Road at its intersection with the western right-of-way of Six Forks Road (S.R. 1005); thence leaving said City Limits northerly with the western right-of-way of Six Forks Road 3,800 feet ± to its intersection with the northern line extended of Dartmoor Subdivision; thence with the northern line extended of Dartmoor Subdivision as shown on a map recorded in Book of

Maps 1983, Page 1157, at the Wake County Registry, the following courses and distances: North 76° 20' 57" East 415 feet ±, South 50° 01' 18" East 60 feet ±, South 06° 59' 24" West 110 feet ±, South 40° 51' 12" East 237 feet ±, South 52° 08' East 570.10 feet ± to the easternmost corner of Lot 18 in said Dartmoor Subdivision, said point also being found in the western property line of proposed Section 5, Phase II, of the Summerfield North Cluster Unit Development as found on Book of Maps 1984, Page 610, Sheet 2 of 2, of the Wake County Registry; thence with said western line of said Summerfield North Cluster Unit Development North 05° 18' 21" East 454 feet ± to the northwest corner of said Section 5, Phase II; thence with the northern line of Section 5, Phase II and Phase I, of the Summerfield North Cluster Unit Development as shown on said recorded map South 87° 11' 20" East 1,525.15 feet ± to a common corner with the western line of the Summerfield North Cluster Unit Development, Wycombe Manor, Phase I; thence with that western line extended of Wycombe Manor, Phase I, as recorded in Book of Maps 1984, Page 610, Sheet 1 of 2, at the Wake County Registry, North 02° 19' 21" East 1,050 feet ± across Strickland Road (S.R. 1829) to a point in the northern right-of-way of Strickland Road; thence easterly with the northern right-of-way of Strickland Road 4,000 feet ± to its intersection with a line located 30 feet easterly of and normal to Survey Station 37+50, Survey Line Y-19 for State Highway Project No. 9.5052005, as shown on Plan and Profile of Proposed State Highway, Wake County Location - Falls of Neuse Road, S.R. 2000, from Quail Ridge Road to Strickland Road, North Carolina Department of Transportation, Preliminary Plans, said point being in said existing City Limits; thence southwesterly along a line normal to said Survey Station 37+50, 60 feet ± to its intersection with the southwestern right-of-way of Strickland Road; thence with the southwestern right-of-way of Strickland Road, the western right-of-way of Falls of Neuse Road and said existing City Limits 4,400 feet ± to its intersection with a line 200 feet northerly of and normal to the northern right-of-way of Newton Road (S.R. 2016); thence westerly with the line 200 feet northerly of and normal to the northern right-of-way of Newton Road and said existing City Limits 3,730 feet± to its intersection with the northeastern property line of Parcel 516, Wake County Tax Map 324; thence with the northeastern property line of said Parcel 516 northwesterly 2,250 feet ± to the northern corner of said Parcel 516; thence southwesterly following the centerline of Lick Branch, a tributary of Lead Mine Creek, said tributary also being the property line between Parcels 23 and 516, Wake County Tax Map 324, 1,120 feet to a common corner with Parcels 27 and 516, Wake County Tax Map 324; thence northwesterly with the southern property line of parcel 23, Wake County Tax Map 324, 201.12 feet ± to a corner of said Parcel 23; thence southwesterly with the southern property line of said Parcel 23 1,207.78 feet ± to the southwest corner of said Parcel 23; thence northerly with the eastern right-of-way of Six Forks Road 635 feet ± to its point of intersection with the northern right-of-way line extended of Sawmill Road; thence westerly with the northern right-of-way extended of Sawmill Road 75 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 547

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 16th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 4,989.69 feet in length of which 2,176.85 feet, or 43.6%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 21.35 acres in the area and an estimated 426 persons. The density is 4.17 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
THE LANDINGS AT NORTH RIDGE

Beginning at a point in the existing Raleigh City Limits (January 1, 1985), said point also being the northeast corner of The Landings at North Ridge as drawn on a map by Bass, Nixon and Kennedy, Incorporated, and recorded in Map Book 1981, Page 1057, in the Wake County Registry, and the western right-of-way of Litchford Road (S.R. 2012); thence leaving said City Limits with the western right-of-way of Litchford Road the following courses and distances according to said recorded map: South 21° 45' 07" East 118.34 feet ±, South 18° 17' 43" East 97.63 feet ±, South 15° 42' 23" East 98.43 feet ±, South 14° 18' 25" East 98.91 feet ±, South 12° 55' 38" East 47.51 feet ±, to a southeastern corner of The Landings at North Ridge; thence with the boundary of The Landings at North Ridge (B.M. 1981, Page, 1057) the following courses and distances: North 77° 54' 40" West 167.60 feet ±, South 84° 05' 58" West 282.63 feet ±, North 54° 47' 56" West 212.87 feet ± to a corner of The Landings at North Ridge, said corner also found on a map recorded in Book of Maps 1984, Page 1902, in the Wake County Registry; thence continuing with the boundary of said subdivision as shown on said recorded map: South 03° 20' 56" West 635.50 feet ± to a corner on Weybridge Drive, said corner also shown on a map of The Landings at North Ridge, recorded in Book of Maps 1983, Page 1426, Wake County Registry; thence following the boundary of The Landings at North Ridge according to said recorded map South 03° 05' 54" West 285.50 feet ± to a southeastern corner of The Landings at North Ridge thence with the southern boundary of the Landings at North Ridge according to said recorded map the following courses and distances: North 88° 10' 47" West 94.28 feet ±, North 88° 07' 28" West 116.15 feet ±, North 88° 09' 25" West 158.22 feet ±, North 88° 11' 14" West 196.04 feet ±, North 88° 05' 52" West 203.23 feet ± to the southwestern corner of The Landings at North Ridge, said point also being in said existing Raleigh City Limits and shown as the northwestern corner of Litchford Forest Subdivision on the Annexation Map of Carolina Communities, drawn by the City of

Raleigh Department of Central Engineering and on file in Annexation File No. 130 at the Raleigh City Planning Department; thence with the western boundary of The Landings at North Ridge and said existing City Limits North 04° 55' East 948.72 feet ± to a point in the southern line of North Ridge Subdivision, said point also being in said existing City Limits and shown on a map of the Raleigh City Limits entitled, "North Ridge Annexation Schedule Map," North Ridge, Incorporated, Developers, Raleigh, North Carolina, and drawn by John A. Edwards and Company, Engineering, on file at the Raleigh City Planning Department in Annexation File No. 117; thence following said southern line of North Ridge Subdivision and said existing City Limits, South 86° 10' East 1,228.13 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 548

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 16th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 4,188.56 feet in length of which 2,188.56 feet, or 52.3%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 22.36 acres in the area and an estimated 426 persons. The density is 11.18 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
RIVERBIRCH TOWNHOUSES

Beginning at a point in the existing Raleigh City limits (January 1, 1985), said point also being in the easternmost corner of the property of River Birch Associates as shown on a survey map by Al Prince and Associates, PA and recorded in Map Book 1980, Page 1066 at the Wake County Registry and in the western right-of-way of existing Wake Forest Road (S.R. 2030); thence leaving said existing City limits with said western right-of-way South 37° 48' 22" West 800 feet ± to its point of intersection with the center line of Marsh Creek; thence westerly and northerly with the center line of Marsh Creek 1200 feet ± to a point in said existing City Limits, a corner of the Didawick Property according to an Annexation Map of the Property of Quail Corners Inc., drawn by the City of Raleigh Department of Central Engineering and on file in the Raleigh Planning Department in Annexation File Number 111; thence with the center line of Marsh Creek, northerly 454.98 feet ± to a point in the Beddingfield Property according to said annexation map; thence South 30° 18', East 81.64 feet ± to a point, said point also shown on a map recorded in Map Book 1979, Page 956 in the Wake County Registry; thence North 42° 18' 20" East 85.56 feet ± to a point in the southern property line of Forest Oaks Apartments as shown on said recorded map ; thence with the southern line of Forest Oaks Apartments, according to said recorded map the following courses and distances: South 85° 50' 15" East 532.31 feet ±, South 04° 09' 45" East 20.0 feet ±, South 85° 50' 15" East 530.0 feet ±, North 79° 28' 10" East 86.07 feet ± to a point; thence according to the map recorded in Map Book 1980, Page 1066 of the Wake County Registry South 50° 16' 34" East 398 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 549

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A.of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 18th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 12,165 feet in length of which 4.430 feet, or 36.4%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(3) and 160A-48(d)

The two areas shown on the report qualifications map as "urbanized" qualify under 160A-48(c)(3):

Areas "1" and "2" are as shown on the map on Page 4.2 are developed for urban purposes to be annexed are so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes. Area "1" contains three (3) lots, two (2) of which are developed for commercial purposes, or 66.7%. Area "2" contains fourteen (14) lots, ten (1) of which are developed for commercial purposes, or 71.4%.

The two areas developed for urban purposes to be annexed are subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Within these areas, there are no lots that are not used for commercial, industrial, governmental, or institutional purposes which are larger than five acres in size.

Two of the areas shown on the report qualification map as "unurbanized" qualify under 160A-48(d)(2):

Areas "B" and "C" are adjacent on at least sixty percent (60%) of their external boundaries to a combination of the municipal boundary and the boundaries of the areas shown as developed for urban purposes. Area "B" has a total boundary of 3,140 feet, of which 1,960 feet, or 62.4%, is adjacent to the municipal boundary and the boundaries of the areas developed for urban purposes. Area "C" has a total boundary of 1,697 feet, of which 1,153 feet, or 67.9%, is adjacent to the Municipal boundary and the boundaries of the areas developed for urban purposes.

One of the areas shown on the report qualification map as "unurbanized" qualifies under 160A-48(d)(1):

Area "A" lies between the municipal boundary and an area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services and/or water and/or sewer lines through such sparsely developed area, the majority of area "A" is road right-of-way without which adequate municipal services could not be delivered.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
SOMERSET, NORTH MARKET SQUARE

Beginning at a point in the existing (January 1, 1985) Raleigh City Limits, said point also being on the northern line of the property of M. F. Cox (now or formerly) and the eastern right-of-way of Falls of Neuse Road (S.R. 2000); thence southerly with the eastern right-of-way of Falls of Neuse Road 1,850 feet ± to its intersection with the northern property line of property now or formerly owned by Hunter according to a deed recorded at the Wake County Registry in Book 1774, Page 444, and also shown as Tract B on a map recorded in Book of Maps 1935, Page 33, of the Wake County Registry; thence with the northern line extended of the Hunter Property South 77° 04' East 1,250 feet ± to its intersection with the eastern right-of-way of Wake Forest Road (S.R. 2030); thence southwesterly with said eastern right-of-way 350 feet ± to its point of intersection with the northwest corner of North Market Square Subdivision as shown on a map recorded in Book of Maps 1983, Page 513; thence with the northern line of North Market Square according to said recorded map South 35° 23' East 495.92 feet ± to the northeast corner of North Market Square, said point also being the northernmost corner of North Plaza Industrial Park as shown on a map recorded in Wake County Book of Maps 1983, Page 1018; thence following the boundaries of North Plaza Industrial Park as found on said recorded map the following courses and distances: South 35° 23' 11" East 1,530.35 feet ±, North 77° 55' 25" West 1,040.97 feet ±, North 37° 34' 42" East 162.43 feet ±, North 35° 25' 15" West 553.79 feet ± to a corner of the North Plaza Industrial Park, said corner also being in the eastern line of the North Market Square Subdivision as shown on a map recorded in Book of Maps 1983, Page 803; thence with the eastern and southern lines of North Market Square and property of Etheridge Associates as found on said recorded map the following courses and distances: South 38° 11' 43" West 115.55 feet ±, North 53° 34' 44" West 386.07 feet ± to a point in the eastern right-of-way of Old Wake Forest Road (S.R. 2030), said point also being in said existing City Limits; thence northerly with the eastern right-of-way of Old Wake Forest Road 550 feet ± to the southern line extended of property now or formerly owned by Hunter according to a deed recorded at the Wake County Registry in Book 1774, Page 444; thence along the southern line extended of the Hunter property North 72° 49' 53" West 406.39 feet ± to the southwestern corner of the Hunter property, said point also being in the eastern right-of-way of Falls of Neuse Road; thence northwesterly across Falls of Neuse Road 125 feet ± to the northeastern corner of Lot 2 of North Plaza (commercial subdivision) as shown on a map recorded in Book of Maps 1980, Page 64, of the Wake County Registry; thence with the northern boundaries of said Lot 2 the following courses and distances: North 72° 49' 53" West 42.81 feet ±, South 62° 40' 57" West 77.46 feet ±, southwesterly on a 1,081.70 foot radius curve to the right 161.26 feet ±, South 71° 13' 27" West 167.95 feet ±, southwesterly on a 290.36 foot radius curve to the left 61.77 feet ±, North 85° 42' 23" West 92.63 feet ± to the northwest corner of Lot 2 of North Plaza as shown on said recorded map, said point also being in the eastern right-of-way of Bland Road; thence northerly with said eastern right-of-way of Bland Road and a former (as annexed 9/3/68) eastern right-of-way line of Falls of Neuse Road, said line being 30 feet ± east of and parallel to the centerline of Falls of Neuse Road 2,730 feet to its intersection with the northern line extended of the M. F. Cox property (now or formerly); thence easterly with the northern property line extended of said Cox property 15 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 550

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 18th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 14,808.02 feet in length of which 3,841.86 feet, or 25.9%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(3) and 160A-48(d)

The three areas shown on the report qualification map as "urbanized" qualify under 160A-48(c)(3):

The areas developed for urban purposes to be annexed are so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes. Area "A" contains three (3) lots, all of which are developed for commercial purposes (100% developed). Area "B" contains two (2) lots, both of which are developed for commercial purposes (100% developed). Area "C" contains five (5) lots, four (4) of which are developed for commercial or industrial purposed (80% developed).

The three areas developed for urban purposes to be annexed are subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Within these areas, there are no lots that are not used for commercial, industrial, governmental, or institutional purposes which are greater than five acres in size.

The area shown on the report qualification map as "unurbanized" qualifies under 160A-48(d)(2):

The area adjacent on at least sixty percent (60%) of it external boundary to a combination of the municipal boundary and the boundary of the area shown as developed for urban purposes. The area has a total boundary of 19,914 feet, of which 19,199 feet, or 96.4%, is adjacent to the municipal boundary and the boundary of the area developed for urban purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
NORTH BOULEVARD COMMERCIAL

Beginning at a point in the existing Raleigh City Limits (January 1; 1985), said point also being in the northwest corner of Lot 39 of Section 2, Part 2, of North Boulevard Industrial Park as shown on a map recorded in Book of Maps 1975, Page 343; thence with the boundaries of Lot 39 and 40 of said subdivision according to said recorded map the following courses and distances: North 89° 32' 30" East 276.72 feet, North 01° 35' 00" East 306.12 feet ±, North 02° 00' 45" East 143.01 feet ± to the northwest corner of Lot 40 as shown on said recorded map, said point also being the southwestern corner of the Raymond F. Shearin and Wife, Janie Green Shearin Property as referenced in a deed found on Page 129, Book 1256 of the Wake County Registry; thence along the western line of said Shearin and Wife Property North 08° 26' East 467 feet to a stake in the southwest corner of lands of R. F. Shearin as referenced in a deed found on Page 352, Book 1010, at the Wake County Registry; thence along the western line extended of said Shearin Property North 18° 40' West 474 feet ± across S.R. 2039 to a point in the southwestern corner of the Leith Property as shown on a map recorded in Book of Maps 1974, Page 434; thence along the western boundary of said Leith Property North 18° 40' 15" West 1,228.56 feet ± to the westernmost corner of said Leith Property; thence the following courses and distances with the northern line of said Leith Property according to said recorded map: North 48° 13' 45" East 501.88 feet ±, South 41° 46' 15" East 79.54 feet ±, South 00° 43' 30" East 280.34 feet ±; easterly along a 297.4-foot radius curve to the left 145.00 feet, North 89° 16' 30" East 260 feet to a point in the western right-of-way of U.S. Highway No. 1; thence with the extension of said northern line of the Leith Property North 89° 16' 30" East 201 feet ± to the eastern right-of-way of U.S. Highway No. 1; thence southerly along the eastern right-of-way of U.S. Highway No. 1 1,550 feet to the northwest corner of Property of W. V. Green, North Tract, as recorded in Book of Maps 1972, Page 459, of the Wake County Registry; thence according to said recorded map and with the northern boundaries of W. V. Green Tract 2, Tract 3 and Tract 4 the following courses and distances: South 89° 16' 15" East 2,937.24 feet ±, South 00° 16' East 1,012.62 feet ±, South 80° 35' West 711.18 feet ±, South 09° 25' East 391.95 feet ± to a point in the northern right-of-way of Spring Forest Road, said point also being in said existing City Limits; thence westerly with said northern right-of-way of Spring Forest Road 1,800 feet ± to the southeastern corner of Parcel 25 as shown on a map recorded in Book of Maps 1980, Page 112; thence with the eastern lines of Parcel 25 and Parcel 26 as shown on said recorded map North 05° 16' 37" West 390.06 feet ± to the northeastern corner of said Parcel 26; thence with the northern line of said Parcel 26 as shown on said recorded map South 84° 43' 23" West 200.00 feet ± to a point on the western right-of-way of U.S. Highway No. 1, said point further identified as having North Carolina grid coordinates Y = 766,795.90 and X = 2,124,115.79 and also being the northwestern corner of Parcel 26; thence westerly across U.S. Highway No. 1 a distance of 203 feet ± to the southeastern corner of Parcel 39 as shown on a map recorded in Book of Maps 1975, Page 343, of the Wake County Registry, said point further identified on the map recorded in Book of Maps 1980, Page 112, as having North Carolina grid coordinates Y = 766,755.15 and X = 2,123,920.03; thence with the boundaries of Parcel 39 as shown on said recorded map (Book of Maps 1975, Page 343) the following courses and distances: North 88° 50' 00" West 760.63 feet ±, North 01° 10' East 488.17 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 551

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 18th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12/5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 20,722.52 feet in length of which 9,593.63 feet, or 46.3%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(3) and 160A-48(d)

The area shown on the report qualification map as "urbanized" qualifies under 160A-48(c)(3):

The area developed for urban purposes to be annexed is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes. There are three (3) lots in the area, two (2) of which are developed for residential or industrial purposes (66.7% developed).

The area developed for urban purposes to be annexed is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Within this area, there are not lots that are not used for commercial, industrial, governmental, or institutional purposes which are larger than five acres.

The area shown on the report qualification map as "unurbanized" qualifies under 160A-48(d)(2):

The area is adjacent on at least sixty percent (60%) of its external boundary to a combination of the municipal boundary and the boundary of the area shown as developed for urban purposes. The area has a total boundary of 20,100 feet, of which 14,600 feet, or 72.6%, is adjacent to the municipal boundary and the boundary of the area developed for urban purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
TRYON ROAD INDUSTRIAL (EAST) AND STATE COMPLEX

Beginning at a point in the existing (January 1, 1985) Raleigh City Limits, said point also being the intersection of extension the eastern right-of-way of Garner Road (SR 1004) and the extension of a line 200 feet south of and parallel to Pineview Street in East Parkland Subdivision according to the metes and bounds annexation description as found in City of Raleigh Ordinance 1960-868; thence southerly with the eastern right-of-way of Garner Road, 3,800 feet ± to its intersection with dividing line between Lots 2 and 3, Block F of Cloverdale Subdivision, Section 1, said point also being in the existing (January 1, 1985) Garner Town Limits, as described in the Town of Garner Ordinance 1975-1404 and shown on an annexation map of Garner, entitled "Cloverdale and Other Areas", Saint Mary's Township, Wake County North Carolina, dated April 26, 1975, by Sam Powell, registered surveyor; thence with said annexation description and referenced map, the following courses and distances: South 63° 46' West 60 feet ±, South 26° 14' East 56.4 feet ±, South 82° 00' West 115.0 feet ±, South 20° 11' East 50.0 feet ±, South 82° 00' West 95.0 feet ±, South 00° 09' West 360.0 feet ±, North 82° 48' West 599.49 feet ±, to a point in the western right-of-way of the Southern Railway; thence northwesterly with said western right-of-way of the Southern Railway 1,200 feet ± to its intersection with the southern right-of-way of the Tryon Road extension, said point shown as a right-of-way marker at Station 57+27, 45 feet from the center line (survey line Y-4) as shown on the NCDOT "Plan and Profile Proposed State Highway, Tryon Road Extension" State Project Reference Number 8.2432803; thence westerly with said right-of-way 2,677 feet ± to the right-of-way marker at Station 30+50, (survey line Y-4) as shown on said plans; thence southwesterly with the site distance right-of-way of said project 100 feet ± to a right-of-way marker at Station 30+04.41 (survey line Y-4), as shown on said plans; thence southerly 10 feet ± to a point on the said right-of-way; thence westerly with said right-of-way across the future extension of Hammond Road 122 feet ±; thence northerly with said right-of-way 10 feet ± to a right-of-way marker at Station 28+83.10 (survey line Y-4) as shown on said plans; thence northwesterly with another site distance right-of-way of said project 128 feet ± to a right-of-way marker at Station 28+00 (survey line Y-4) as shown on said plans; thence westerly with said right-of-way 1,441 feet ± to a right-of-way marker at Station 13+58.64 (survey line Y-4) as shown on said plans; thence continuing westerly with a line 45 feet from and parallel to (survey line Y-4) as shown on said plan, 285 feet ± to its point of intersection with the eastern property line extended of the Elvis N. Pollard property; thence southerly with said eastern line 20 feet ± to a point in said existing Raleigh City Limits; thence 9,593.63 feet ± with said existing City Limits as described in the following annexation ordinances as filed in the Raleigh City Clerk's Office: US 70 East - 401 South (1981-721), Rush Street (1977-575), Carolina Pines (1960-868) to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

ORDINANCE NO. (1985) 552

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Raleigh has taken into full consideration the statements presented at the public hearing held on the 18th day of April, 1985, on the question of this annexation; and

WHEREAS, the City Council of the City of Raleigh has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a) as shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 3,024.02 feet in length of which 1,013.95 feet, or 33.5%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(3)

This qualifies under 160A-48(c)(3):

The total area to be annexed is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes. There is one (1) lot in the area, which is developed for commercial purposes (100% developed).

The total area to be annexed is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Within this area, there are no lots that are not used for commercial, industrial, governmental, or institutional purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b), into the area to be annexed under this ordinance, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 30th day of June, 1985.

Section 3. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Raleigh, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 4. That the newly annexed territory described herein shall be subject to City taxes according to G.S. 160A-58.10.

Section 5. That the Mayor of the City of Raleigh shall cause an accurate map of the annexed territory described in Section 6 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State in Raleigh.

Section 6. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
FARM FRESH

Beginning at a point in the existing Raleigh City Limits (January 1, 1985), said point also being in the northeastern corner of Lot 7 as shown on the map of Raleigh Southern Industrial Park, Lot 9A and Lot 10, as recorded in Book of Maps 1984, Page 251, of the Wake County Registry; thence with the southern and western boundaries of Lot 9A, the following courses and distances: North 84° 02.1' West 411.38 feet ±, North 80° 53.1' West 263.52 feet ±, North 10° 06.4' East 520 feet ±, North 31° 37.3' East 364 feet ± to the northernmost corner of said Lot 9A, said point also shown on a map recorded in Book of Maps 1984, Page 932 of the Wake County Registry; thence across Chapanoke Road North 83° 42' 53" East 103.76 feet ± to a point in the northern right-of-way of Chapanoke Road as shown on said recorded map; thence easterly with

said northern right-of-way along a curve to the left an arc distance of 170.76 feet ± to a point; thence with said northern right-of-way South 89° 17' 39" East 176.65 feet ± to a point in said existing City Limits, thence easterly with said northern right-of-way and said existing City Limits 264.65 feet ± to a point; thence following said City Limits South 10° 5.5' West 116.85 feet ± to a point in the northern line of Lot 2, as shown on a map recorded in Book of Maps 1984, Page 251 of the Wake County Registry; thence the following courses and distances with said Lot 9A as shown on said recorded map and said existing City Limits; North 79° 54.5' West 85 feet ±, South 10° 5.5' West 225.00 feet ±, South 79° 54.5' East 75.00 feet ± South 10° 05.5' West 450.00 feet ±, South 64° 58.6' West 62.10 feet ± to the point of Beginning.

Adopted: 5/7/85

Effective: 6/30/85

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated the Agenda is marked to show which of the items are located in flood-prone areas or within the Falls Basin. The following items were pulled from the Agenda as requested: Upchurch - CR-5532 (Z-36-85), Keller - CR-5531 (Z-33-85), Block - CR-5484 (S-37-85), CR-5485 (SC-1-85 and PA-33-85) and CR-5529 (PA-41-85). Mr. Walters moved that Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-160-84 - WILLOW RIDGE - APPROVED WITH CONDITION

This was a request for approval to revise an approved plan to subdivide and construct three townhouse projects on three lots, zoned Residential-6. Lot 1 is 1.5 acres and will have nine units; Lot 2 is 2.17 acres and will have 13 units; and Lot 3 is 0.81 acre and will have four units. The revision is to shift the location of the parking and buildings on each lot.

The property is located on Thomas Drive, at the intersection of Willow Run South, on the south side of Newton Road, inside the City Limits.

CR-5455 from the Planning Commission recommended that this request be approved according to a map entitled, "Willow Ridge," the property of Newton Development Company, drawn by Thompson and Associates, dated March 5, 1985, with the following conditions: (1) That any revisions to the type of fence agreed upon by the applicant and adjacent neighbors be reviewed and approved by the City staff; (2) that the lighting be positioned so as not to illuminate adjoining single-family homes; and (3) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Walters/Calloway - 8 ayes.

SUBDIVISION S-86-85 AND PA-57-85 - WIND CHIME OFFICE CONDOMINIUM - APPROVED

This was a request for approval to construct one office condominium in one building on .949 acre which is currently undeveloped and zoned Office and Institution-III.

The property is located on Wind Chime Court which is on the east side of Six Forks Road, between Wood Bend Court and Mine Lake Court, inside the City Limits.

CR-5528 from the Planning Commission recommended that this request be approved according to a map entitled, "Wind Chime Office Condominium," the property of J. A. G., drawn by Design Tech., Inc., dated March 27, 1985. Consent Agenda approval: Walters/Calloway - 8 ayes.

SC-16-85 - PEACHTREE MARKET - APPROVED WITH CONDITION

This was a request for approval to construct a 54,085 square foot shopping center consisting of three buildings on 4.94 acres which are currently undeveloped and zoned Shopping Center (4.04 acres) and Conservation/Buffer (0.90 acre).

The property is located at the southeast intersection of Mourning Dove Road and Six Forks Road, directly across from Sawmill Road, outside the City Limits.

CR-5530 from the Planning Commission recommended that this request be approved according to a map entitled, "Peachtree Market," the property of Franklin-Lee Homes, Incorporated, drawn by Priest, Craven and Associates, Incorporated, dated March 22, 1985, with the condition that the applicant submit a sign criteria for the entire shopping center for approval by the Planning Commission and City Council. Consent Agenda approval: Walters/Calloway - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-37-85 - CAPITAL CENTER - APPROVED WITH CONDITION; SC-1-85 AND PA-33-85 - APPROVED WITH CONDITIONS: PARALLELING OF WALNUT CREEK SANITARY SEWER - REFERRED TO PUBLIC WORKS COMMITTEE; PETITION FOR ANNEXATION - REFERRED TO CITY CLERK

Subdivision S-37-85 was a request for approval to subdivide a 41.3 acre parcel which is developed with a single-family unit and zoned Office and Institution-I, Shopping Center and Conservation/Buffer into three lots.

The property is located at the southwest corner of Jones Franklin Road and US 64, outside the City Limits.

CR-5484 from the Planning Commission recommended that this request be approved according to a map entitled, "Capital Center," the property of H. S. Lichtin Development, drawn by Cooper Carry and Associates, dated January 31, 1985, with the following conditions: (1) That no City sewer service be provided to Lots 2 and 3 until site plans are approved for development on each lot; and (2) that a note be added to the recorded subdivision which highlights this limitation.

SC-1-85 and PA-33-85 was a request for approval to construct one building on one lot consisting of approximately 499,000 square feet. The building is proposed to be constructed in three sections. The first section is approximately 161,599 square feet; the second, 156,642 square feet; and the third, 170,983 square feet. The site is developed with a single-family unit.

The property is located at the southwest corner of Jones Franklin Road and US 64, outside the City Limits.

CR-5485 from the Planning Commission recommended that this request be approved according to a map entitled, "Capital Center," the property of H. S. Lichtin Developers, drawn by Cooper Carry and Associates, dated January 31, 1985, with the following conditions: (1) That temporary storage for left-turn movements, 12 feet wide, 60-feet additional lane width, with 45 feet to one foot tapers be provided along Jones Franklin Road, at the northern entrance; (2) that the public loop street in the site be extended to the point shown in the plans prior to issuance of an occupancy permit for the first section of the building; and (3) that the remaining improvements to Jones Franklin Road, and the public loop street within the development, be completed prior to issuance of an occupancy permit for any subsequent section of the building.

Planning Director Chapman explained the subdivision and the plan approval. Mrs. Block indicated she pulled the items from the Consent Agenda indicating she does not mind approval of these items with the conditions that have already been met; that is, she understands we do have a letter of intent to request annexation, therefore, she would move approval of S-37-85, SC-1-85 and PA-33-85 as recommended by the Planning Commission and with the understanding that the paralleling of Walnut Creek sanitary sewer would be referred to Public Works Committee. Her motion was seconded by Ms. Cates. In response to questioning, Planning Commission Chairman McNeely explained the approval was for one building only but the subdivision does speak to three lots. Ms. Cates indicated there is an item in Public Works Committee relative to intensity standards in Office and Institution development and, in her opinion, this item should become a priority pointing out when a zoning case is approved, the Council has no way of knowing what type office or institution building would go on that land and here we are getting seven to ten story buildings and that may not be an appropriate development but it is an approved development according to the zoning. The motion as stated was put to a vote and passed unanimously.

Mayor Upchurch presented a letter and petition for the annexation of this property to be effective December 31, 1985. Without objection, the petition for annexation was referred to the City Clerk to check the sufficiency and schedule a public hearing.

PA-41-85 - JIFFY LUBE REVISION - APPROVED

This was a request for approval to revise a previously approve plan (PA-264) to allow a four-stall car wash to remain at the rear of the site. The previous plan showed the car wash to be removed.

The property is located on the south side of Western Boulevard, just west of Kent Road, inside the City Limits.

CR-5529 from the Planning Commission recommended that this request be approved according to a map entitled, "Jiffy Lube Revision," the property of Evergreen Management Corporation, drawn by Bass, Nixon and Kennedy, dated October 1, 1984.

Ms. Block indicated she pulled the item from the Agenda pointing out in the description of the location of the property, it indicates that this is located "just west of Kent Road." She stated in reality, it is just east of Kent Road. She stated with that correction, she would move approval of the Planning Commission's recommendation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-33-85 - LEXINGTON DRIVE - DENIED

This was a request for approval to rezone approximately one acre from Residential-10 to Office and Institution-I.

CR-5531 from the Planning Commission recommended that Z-33-85 be approved as requested.

Planning Director Chapman explained the rezoning request and Mr. McNeely explained the Planning Commission's recommendation. He indicated this property has a power line running through the property that complicates development of the property. He indicated the Planning Commission did vote unanimously to approve the rezoning. Mr. Keller indicated that he is aware that this is an extremely difficult piece of property to work with but it is right across the street from a piece of property that had requested rezoning to Office and Institution and it was denied by the Council about a month ago. He pointed out there is a 200 foot line on either side of Western Boulevard which marks the end of non-residential development. He stated so far that line has not been violated and he feels it would be a mistake to violate it in this case, therefore, he would move denial of rezoning application Z-33-85. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-36-85 - DURALEIGH ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 39 acres from Office and Institution-III to Residential-10.

CR-5532 from the Planning Commission recommended that Z-36-85 be denied.

Planning Director Chapman explained the rezoning request with Mr. McNeely explaining the Planning Commission's recommendation. Mayor Upchurch questioned the buffer between this and adjacent property. He stated he would like to refer this item to the Law and Finance Committee to look at the issue of buffering. Without objection, the item was referred to the Law and Finance Committee.

COMMITTEES, COMMISSION AND BOARDS

***HISTORIC DISTRICTS COMMISSION - VIVIAN IRVING APPOINTED; ADDITIONAL VACANCIES ON PROPERTIES/DISTRICTS COMMISSIONS - REFERRED TO SPECIAL COMMITTEE

The City Clerk reported one vacancy on the Historic Districts Commission due to the resignation of William H. Bingham. Nominations include Vivian Irving and Stan Caton. Nominations have been closed.

A ballot vote resulted as follows: Irving - 4 (Babb, Walters, Calloway, Congleton); Caton - 4 (Keller, Block, Upchurch, Cates). Since no candidate received five votes, a second ballot was taken with results as follows: Irving - 7 (Block, Calloway, Cates, Upchurch, Keller, Babb, Congleton); Caton - 1 (Walters).

The Clerk reported she had received a letter of resignation from Steve Stroud from the Historic Properties and Historic Districts Commission. In addition, there are 13 terms on the Properties Commission which expire June 30 and four terms on the Districts Commission which also expire June 30. A list of the present Commission Members, expiration dates and attendance records of those whose terms are expiring was in included in the Council Member's Agenda packet. Brief discussion took place, after which Mr. Walters moved that an ad hoc committee be set up to consider the appointments to the Historic Properties/Districts Commission since it is such a complicated procedure and so many people are involved. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

Later in the meeting, Mayor Upchurch appointed the following committee - Mr. Walters, Chairman, Ms. Babb and Mr. Calloway to consider the appointments to the Historic Properties and Historic Districts Commission.

***PLANNING COMMISSION - NO ACTION TAKEN

The City Clerk reported the term of Thomas C. Worth, Jr., expires June 2. Nominations include Betty Twiggs, Ken Durham and Norma Burns. Nominations have not been closed.

There being no further nominations, Ms. Babb moved that nominations be closed and an election held. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Twiggs - 3 (Block, Babb, Calloway); Durham - 3 (Walters, Keller, Upchurch); Burns - 2 (Congleton, Cates). Since no member received five votes, a second ballot vote was taken with results as follows: Twiggs - 2 (Cates, Babb); Durham - 4 (Keller, Upchurch, Walters, Calloway); Burns - 2 (Block, Congleton). A third ballot vote resulted as follows: Twiggs - 2 (Calloway, Babb); Durham - 3. (Walters, Upchurch, Keller); Burns - 3 (Block, Congleton, Cates). It was agreed that no further action would be taken at this meeting with various Council Members pointing out that we do have three very viable candidates and the City will be the winner no matter which candidate is selected.

***APPEARANCE COMMISSION - NOMINATIONS MADE

The Clerk reported the term of Lidia White and Marshall Lancaster, Jr., expire July 3. Mr. Lancaster has indicated he does not wish to be reappointed. Ms. White is eligible for reappointment and has a good attendance record. No nominations have been made. Mayor Upchurch nominated Ms. White. Mr. Congleton nominated Carol McCormick. Ms. Cates nominated Dan Sears. No further action was taken.

***DOWNTOWN HOUSING IMPROVEMENT CORPORATION - NOMINATIONS MADE

The City Clerk reported the following terms expire July 3: William H. Poe, Jr., Phil Harvell, Edgar Davis, Sonnya Quinn and George Hawkins. No nominations have been made. The Clerk indicated she had sent an attendance record as well as a letter indicated that Mr. Harvell nor Mr. Poe wish to be reappointed. Ms. Block nominated Ms. Quinn. Mr. Walters nominated Mr. Davis. No further action was taken.

***HOUSING APPEALS BOARD - NOMINATIONS MADE

The City Clerk reported the term of William D. Harazin expires July 5. He is eligible for reappointment and has a good attendance record. No nominations have been made. Ms. Babb nominated Mr. Harazin. No further action was taken.

***HOUSING AUTHORITY - NOMINATION MADE

The City Clerk reported the term of Vernol R. Jansen, Jr., expires July 6. He is eligible for reappointment and has an excellent attendance record. Mr. Jansen was nominated for reappointment by Ms. Babb.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATION MADE

The Clerk reported the term of Roland Gammon expires July 7, however, a letter of resignation from Mr. Gammon has been received, therefore, there is one vacancy. No nominations have been made. Mr. Congleton nominated Becky Brownlee.

***PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The Clerk reported the term of Earle K. Curry expires July 5. He is eligible for reappointment and the Clerk indicated she had provided an attendance record. No nominations have been made. Mr. Calloway indicated Mr. Curry does not wish to be reappointed. Mr. Calloway nominated Manual Kennedy. Mr. Congleton nominated Bill Beal. Ms. Cates nominated Dot Jordan. No further action was taken.

***TRANSIT AUTHORITY - NOMINATIONS MADE

The Clerk reported the following terms expire July 3: Shelby Alford, Phil Harvell, Hiram Casebolt and Thomas Hilliard. All are eligible for reappointment and an attendance was provided in the Agenda packet. Mayor Upchurch nominated Shelby Alford. Mr. Calloway nominated Mr. Hilliard. No further action was taken.

***GREENWAY COMMISSION - NO ACTION TAKEN

The Clerk reported one vacancy due to the resignation of Paul Thompson. No nominations have been made. No nominations were made.

***DOWNTOWN ADVISORY COMMITTEE - STEVE MERRITT APPOINTED

The Clerk reported one vacancy due the resignation of at-large representative Tony Lanzillo. Steve Merritt has been nominated by Ms. Babb and nominations have not been closed. There being no further nominations, Ms. Babb moved that nominations be closed and Mr. Merritt appointed by acclamation. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ECONOMIC DEVELOPMENT ROUND TABLE - REQUEST TO ADD TWO MEMBERS - COUNCIL NOT TO PURSUE

The Clerk reported at the last meeting, it was pointed out that the Chairman of the Economic Development Round Table had requested that two additional persons be appointed to the group - Bob Leak, President of Research Triangle Foundation of North Carolina and Lee Hood Capps. The Clerk indicated she was asked to determine if these two people are City of Raleigh residents. The Clerk reported Mr. Leak is a resident and Mr. Capps is not a City resident and it would be appropriate to further consider the request.

Ms. Babb indicated she has had a couple of thoughts about this and has, in the past, supported increasing the membership of this committee. She indicated these two particular people are key persons in the economic field in the Raleigh area. She stated they have a lot of resources and very capable people. She stated, however, when you go back and look at the purpose of the Economic Development Round Table, its roots and the work, she feels that we are taking away by continuously diluting the original concept. She stated she is willing to increase the number as long as it is citizens of Raleigh pointing out she does not feel we need people outside Raleigh serving as voting members of Raleigh's committees, commissions and boards. Ms. Babb

moved that no further consideration be given to the request to add Bob Leak and Lee Hood Capps to the Economic Development Round Table. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Cates indicated she would like a report on what the Economic Development Round Table is doing. Ms. Babb gave a brief report, however, later in the meeting, Mayor Upchurch asked that Ms. Babb give a report to the full Council at the next Work Session on the status of Economic Development Round Table.

***TELECOMMUNICATIONS COMMISSION - CHAIRPERSON - TERM CLARIFIED

The City Clerk indicated at the last Council Meeting, the City Council named Joan Baron chairperson of the Telecommunications Commission. She pointed out there was no discussion relative to the length of Ms. Baron's term as chairperson. Normal City policy is for all appointments to be on a two year term, however, Ms. Baron's term as a member of the Telecommunications Commission expires January, 1986. The Clerk suggested the possibility of naming Ms. Baron chairperson for the remainder of her current term on the Telecommunications Commission and at that time, her membership as well as the chairmanship position could be considered. Mr. Walters moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***METHOD CIVIC LEAGUE - REQUEST FOR RELIEF OF ASSESSMENT - INTEREST RELIEVED CONDITIONALLY

Chairman Keller reported the Law and Finance Committee recommends that the interest relating to charges for abating a public nuisance at 603 and 603½ Gorman Street be waived. It is understood the Method Civic League would be responsible for the actual abatement cost - $743, plus the attorney's fee with the understanding the attorney would set a certain date by which the payment must be made or interest will begin to accrue. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***EMERGENCY SHELTER REGULATIONS - PROPOSED CHANGE - PUBLIC HEARING AUTHORIZED

Mr. Keller reported Council Members received in their Agenda packet a proposed ordinance to amend the emergency shelter regulation to the extent that the number of inhabitants at a shelter would be increased from 25 to 35 individuals per night. The Committee recommends that this item be scheduled for public hearing during the May 23 zoning hearing. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated she hoped that this did not preclude the recommendation of the Human Resources and Human Relations Advisory Committee at that time with Mr. Keller indicating it would not. He stated there was detailed discussion about this in committee and it is his understanding that HRHRAC will have their report ready by the public hearing. The motion as stated was put to vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-1-85 - ARDEN CIRCLE - APPROVED - ORDINANCE ADOPTED

Mr. Keller indicated the Law and Finance Committee recommends approval of rezoning application Z-1-85 as submitted. His motion was seconded by Ms. Babb. Ms. Cates indicated she would like to be excused from participation in this matter and without objection, she was excused. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative and Ms. Cates who did not vote. The Mayor ruled the motion adopted.

ORDINANCE (1985) 557 ZC 160

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

a. Arden Circle, Parcels 23-25, 55, 58-59, 60-70, Tax Map 432 and Parcels 2, 5, 8-13, and 18, Tax Map 461 rezoned to Residential-6.

Section 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: May 7, 1985

Effective: May 7, 1985

***REZONING Z-43-85 - FALLS OF NEUSE ROAD - APPROVED ON FIRST READING; TO BE PLACED ON MAY 21, 1985, AGENDA; ADMINISTRATION TO PROVIDE REPORT ON SHOPPING CENTER ZONED LAND

Mr. Keller indicated rezoning application Z-43-85 was scheduled for a special Law and Finance Meeting just prior to this meeting. He stated, however, because of time restraints, it was not discussed, therefore, the Committee recommended that application Z-43-85 be reported to the City Council with no recommendation and on behalf of the Committee, so moved. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

Mr. Congleton indicated during the public hearing, there was a lot of discussion about what to do with this 40 foot strip of residential property between two shopping centers zoned parcels of property. He indicated Ms. Block even asked if the people at the public hearing had alternatives to suggest. Mr. Congleton explained the surrounding property and actions taken by the City Council in this area. Mr. Congleton moved that the City Council rezone property covered by application Z-43-85 to Residential-6 and the City Council advertise the adjacent parcel (to the west) to be rezoned Residential-6 also. His motion was seconded by Ms. Block. Ms. Block indicated the proposed down zoning she feels is appropriate based on the conditions existing along Falls of Neuse Road and the development as explained by Mr. Congleton. Mr. Walters pointed out we are not talking about down zoning until we have a public hearing with Ms. Block indicating she is just giving her reasons for recommending a public hearing. Mr. Walters indicated in his opinion, this is highly inappropriate, if not illegal. Ms. Babb indicated she understood Mr. Congleton and Ms. Block's concern about managing Falls of Neuse Road. She indicated she understood that and pointed there are a lot of places in Raleigh that this Council would like to go back and change to what is felt to be an ideal situation. She indicated maybe these two parcels of property should not have been zoned Shopping Center but they are and that is not the point of discussion. What is to be discussed today is a small 40 foot sliver of land which at one time was road right-of-way that is no longer needed and is adjoined on both sides by presently zoned Shopping Center land. She stated in her opinion, the Council should be fair and act on the proposal as requested, therefore, she will make a substitute motion to approve the rezoning application as requested. Her substitute motion was seconded by Mr. Keller.

Mr. Congleton indicated Ms. Babb spoke to the need for the Council to be fair and responsible. He pointed out the City averaged 25 zoning cases every two months and almost everyone comes in says that the situation has changed. He indicated that is the case in this particular application, the situation has changed. He pointed out maybe there is a need to look at all Shopping Center zoned land in the City that is undeveloped. He pointed out at this point, he feels that the Council has an opportunity to plan, deal with what has been zoned and try to correct any situations that the Council feels are incorrect. He pointed out there is a Shopping Center zoning just down the street from this small tract. He pointed out if this remains Shopping Center, we are going to have curb cuts all the way up and down Falls of Neuse Road. Lengthy discussion took place with various Council Members giving their opinion as to how this case could be handled. The substitute motion to approve the rezoning as requested was put to a vote with results as follows: ayes - Upchurch, Walters, Babb, Calloway, Keller; noes - Block, Congleton, Cates. The Mayor ruled the motion adopted but pointed out since the motion received only five votes, that it would have to be placed on the Agenda for the next meeting for a second reading. See Ordinance 558 ZC 161.

ORDINANCE NO. (1985) 558 ZC 161

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the Raleigh City Code, which includes the zoning district map, be and the same is hereby amended as follows:

(a) Fall of Neuse Road, north side, between Honeycutt Road and Durant Road, Parcel 101, Tax Map 303, rezoned to Shopping Center District. (Z-43-85)

Section 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: Approved on the first reading on May 7, 1985.

Approved on the second reading on May 21, 1985

Effective: May 21, 1985

Mr. Keller indicated he agreed with many of the things that Mr. Congleton had said about managing growth, the shopping center, etc. He indicated he did not like the idea of all these small pieces of shopping center throughout the area that are not developed but retained the zoning. He indicated sometime back, he had asked for a report on all of the pieces of property that are seven acres or less that are zoned Shopping Center. Mr. Walters pointed out the Planning Commission does a three year evaluation with Planning Director Chapman indicating when the City Council adopted the sunset provision, that was changed. Mr. Keller requested that the Council be furnished with a report showing all areas zoned Shopping Center that have seven acres or less whether or not they are developed with Ms. Babb asking that the report also carry information as to how long the Shopping Center zone has been in place. Without objection, Administration was asked to provided the report. Mr. Walters pointed out the reason there are so many small parcels zoned Shopping Center in the City is because at one point in the past, the City Council would not zone property Neighborhood Business for fear that we would have signs and billboards throughout the area. He stated we did not have a Sign Ordinance and Neighborhood Business could have signs without plan approval but Shopping Center required plan approval, therefore, property was zoned Shopping Center.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***STORMWATER MANAGEMENT - BRENTWOOD TODAY/GREYWOOD COURT/NORTHSHORE SUBDIVISIONS - VARIOUS ACTIONS TAKEN

Ms. Block reported the Public Works Committee recommends:

(1) It is recommended that these items be removed from the Committee's agenda. The Committee is continuing to hold the item relating to the stormwater management study.

(2) The Committee recommended to the Intergovernmental Liaison Committee, that they discuss with the Wake County Commissioners the urgency for the completion of the remaining two flood control dams at the May 2, 1985 meeting.

(3) The Committee recommends that the purchase of four sets of rain gauges and stream flow gauges for Perry Creek and Marsh Creek (two sets for each basin) be included in the 1985 Budget. The City's share of the purchase cost is estimated to be $10,360. The Committee further recommends inclusion in the budget of annual maintenance costs for these gauges totaling $24,300 for both basins. (Maintenance costs provide for maintenance of the gauges, reading of the gauges by the U.S. Geological Service, and the provisions of recordings and reports to the City in a form compatible with the City's model.)

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Calloway pointed out as far as Item 2 is concerned that the Intergovernmental Liaison Committee has initiated conversation with the Wake County Commissioners and they have agreed to supply the City with information as soon as possible. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

***CANOPIES - CITY TO PRESENT PROPOSAL TO CHANGE N.C. BUILDING CODE; ITEM RELATING TO ALLINGER'S RETAINED IN COMMITTEE

Ms. Block reported the Public Works Committee recommends that the City draft a proposal to change the N. C. Building Code addressing awnings of canvas, cloth, or synthetic fabric-like materials on framed structures which extend over public sidewalks or other public pedestrian areas and are attached to the side of buildings. The change should allow the frame (of both fixed and movable awnings of this type) to be no lower than 8 feet and the flexible valance to extend no lower than 7 feet above the sidewalk or ground level.

The Committee is holding the awning located at Allinger's until this is resolved. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***UNFIT BUILDING - 111 SEAWELL AVENUE - REPEALER ORDINANCE ADOPTED

Ms. Block reported the Public Works Committee repealing Ordinance 519 as it relates to 11 Seawell Avenue as the Committee was advised the building is compliance with the Code. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 559

AN ORDINANCE REPEALING ORDINANCE NO. (1985) 519 RELATING TO 111 SEAWELL AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance (1985) 519 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the Office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: May 7, 1985

Effective: May 7, 1985

***SUBDIVISION S-51-85 - COUNTRY CLUB HILLS - APPROVED WITH CONDITIONS

Ms. Block reported the Public Works Committee recommends that the recommendation of the Planning Commission as contained in CR-5511 be upheld as follows:

> That this request be approved according to a map entitled, "Country Club Hills," the property of Phillip W. Craig and John C. Hanner, drawn by John Y. Phelps, Jr., dated February 3, 1985, with the condition that improvement of one-half of a 31 foot back-to-back street section be made to both Granville Drive and Transylvania Avenue.

The Committee recommends that the property owners be allowed to post a letter of credit or a bond in lieu of the street improvements. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-57-85 - HARRELSON PARK - APPROVED WITH CONDITIONS

Ms. Block reported the Public Works Committee recommends upholding the recommendation of the Planning Commission to approve this subdivision as contained in CR-5516, with a condition added that a map could not be recorded until an encroachment agreement stipulating that the building will be removed at no cost to the City prior to commencement of construction of that section of Western Boulevard is approved by the City Attorney's Office.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SIDEWALK ASSESSMENT ROLL 207 - NORTH HILLS DRIVE - RETAINED IN PUBLIC WORKS COMMITTEE

Ms. Block reported the Public Works Committee recommends adoption of a resolution confirming the charges as outlined in Assessment Roll 207 for sidewalk improvements on North Hills Drive. She indicated Kent Crawford had asked that this item be referred to Committee and he had indicated he did not get the letter informing him of the Committee Meeting, therefore, as a point of personal privilege, he would ask that Mr. Crawford be given an opportunity to speak. Without objection, this was agreed to.

Mr. Crawford indicated he did not get the notice about the Public Works Committee but did get a letter from the Public Works Committee indicating that they had voted that he should pay the assessment and explained how the assessments were figured on this project. He indicated he just did not understand as no one else individually had to pay for sidewalks in this area and he feels that the developer charged everyone in the neighborhood for sidewalks and put them in everywhere except next to his house. Ms. Cates indicated that would be a matter between Mr. Crawford and the subdivider. City Manager Benton indicated as he understands this, everything on this project has been done according to City policy. Mr. Crawford indicated he paid for sidewalks when he paid for his house. Mr. Congleton questioned if the original subdivision plan called for the developer to put sidewalks in the location in question. He stated if the plan called for sidewalks and they were not installed then Mr. Crawford's quarrel is with the developer but if the plan did not call for sidewalks then they had not been paid for by anyone. After brief discussion, by general consensus, it was agreed to hold this item in Public Works Committee to report back to the Council at the next meeting.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***SOUTHWEST/WEST LAND USE UPDATE - PUBLIC HEARING AUTHORIZED

Chairperson Babb indicated Council Members received in their Agenda packet an updated version of the Southwest/West Land Use Plan. The Comprehensive Planning Committee endorses this plan and recommends that it be scheduled for public hearing on May 23, 1985. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

***CAPITAL IMPROVEMENT PROGRAM 1985/85 THROUGH 1989/90 - APPROVED AS AMENDED

It was pointed out during the Work Session held on April 18, the Council went through the proposed Capital Improvement Program 1985/86 through 1989/90. It was directed that the item be placed on this Agenda for further consideration. City Manager Benton indicated he had presented Council Members with a letter and a list on April 25 relating to proposed changes to the Capital Improvement Program, therefore, it is recommended that the Capital Improvement Program be approved with the following amendments:

a. Advance completion of parking lot at art center at Sertoma Park to FY 86/87, with funding of $80,000 to be provided by an increased contribution from the General Fund.

b. Add $81,000 for Design Services on total Raleigh Boulevard Corridor in FY 85/86 to be funded from thoroughfare funding sources.

c. Advance site acquisition and design of Avent Ferry Road Fire Station to FY 85/86 with funding of $70,000 to be provided from Capital Reserve Fund.

d. Add restroom improvements for Raleigh Little Theatre in FY 85/86 with funding of $10,000 to be provided by an increase contribution from General Fund. He indicated the sprinkler and draft lobby at Raleigh Little Theatre should be studied further.

Mr. Congleton indicated he is not sure that the Manager had answered all of his questions relating to parking at Shelley/Sertoma. He indicated he could accept putting money in FY 86/87. He stated, however, he feels we need to look immediately at parking for the entire Shelley/Sertoma Park. He indicated whatever we do, he would like to see Administration come back with a recommendation that would allow the City to begin design work as close as possible to July, 1986, as additional parking is needed today. He indicated he understood the budget restraints but does feel strongly that we should shoot for July, 1986, to get under contract whatever can be worked out to alleviate the parking problem. Ms. Cates indicated she understands there is a problem of parking in the neighborhood. Ms. Block moved approval of the resolution adopting the Capital Improvement Program for Fiscal Years 85/86 through 89/90 with the amendments as outlined today. Her motion was seconded by Mr. Keller. Mr. Calloway indicated he wanted to make sure the language changes relating to downtown housing had been accomplished with City Manager Benton indicating they had. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 794

A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1985-86 THROUGH 1989-90

WHEREAS, a proposed Capital Improvement Program for Fiscal Years 1985-86 through 1989-90 was presented to the City Council on April 16, 1985; and

WHEREAS, the proposed Capital Improvement Program described major capital projects, funding schedules, and a capital financing plan recommended by the City Administration; and

WHEREAS, the Capital Improvement Program provides a comprehensive framework for accomplishing needed public improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH;

Section 1. That the document titled "Capital Improvement Program, 1985-86 through 1989-90" and dated April 16, 1985, is adopted as amended in Section 2 below, as a policy to guide capital budgeting, financial planning, schedules for project design and land acquisition, and other activities related to the accomplishments of capital projects.

Section 2. That the document titled "Capital Improvement Program, 1985-86 through 1989-90" and dated April 16, 1985, is hereby amended as follows:

a. Advance completion of parking lot at arts center at Sertoma Park to FY 1986-87, with funding of $80,000 to be provided by an increased contribution from the General Fund.

b. Add $81,000 for design services on total Raleigh Boulevard corridor in FY 85-86 to be funded from thoroughfare funding sources.

c. Advance site acquisition and design of Avent Ferry Road Fire Station to FY 1985-86, with funding of $70,000 to be provided from Capital Reserve Fund.

d. Add restroom improvements for Raleigh Little Theatre in FY 85-86 with funding of $10,000 to be provided by an increased contribution from the General Fund.

Section 3. That the adopted Capital Improvement Program precedes all previously adopted Capital Improvement Programs.

Section 4. That the adopted Capital Improvement Program may be amended by the City Council with budgetary actions or other actions related to the authorization of specific projects and by the adoption of future Capital Improvement Programs.

Adopted: 5/7/85

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***CITY MARKET PROJECT - CRANSTON SERVICES CONTRACT - EXTENSION - GRANTED

Mayor Upchurch indicated the Downtown Committee recommends that the service contract with Cranston Development Company be extended 120 days in order to complete the remaining predevelopment services including syndication and design documents. This does not require any additional funding. Council Members received a copy of the proposed contract amendment in their Agenda packet. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE AD HOC OF THE RALEIGH CITY COUNCIL/SCHOOL BOARD

***FLETCHER PARK - REPORT OF AD HOC COMMITTEE - RECEIVED - ADDITIONAL MEETING SCHEDULED

Mr. Walters reported the Ad Hoc Committee recommends to the Raleigh City Council and the Wake County School Board that the concept be approved that a stadium be constructed on the Broughton campus at the site of the present practice field and that a joint use of Broughton High campus and Fletcher Park property be used as follows:

1. That the softball field at the Fletcher Park Master Plan be made available and coordinated for joint use with the Broughton High Athletic Program.

2. That a portion of the parking for Fletcher Park be relocated so as to provide sufficient space for establishing an athletic field on the School Board property and a portion of Fletcher Park property; and

3. The School Board and City Council jointly and equally fund the purchase of the Ligon lot as the southwest corner of Fletcher Park.

With regard to future needs of Fletcher Park and the need of future expansion of Broughton's sports facilities, the following motion was made by Ms. Cates, seconded by Ms. Babb and unanimously passed.

> That we strongly endorse the acquisition of Lots 2, 3, and 4 as shown on the Methodist Orphanage Property Map by the Wake County Board of Commissioners as additional park space that could serve the Broughton High School needs and the community needs. Further recommend that the School Board and City Council forward a resolution to this effect to the Board of Commissioners.

On behalf of the Committee, Mr. Walters moved the recommendation as read be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously.

Mr. Walters indicated he would like to keep this Committee intact for at least one additional meeting. He indicated they may want to have the Mayor present the recommendations to the Wake County Commissioners but pointed out they would like to have at least one more meeting to finalize everything. Without objection, this was agreed to.

RALEIGH-DURHAM AIRPORT AUTHORITY

***RALEIGH-DURHAM AIRPORT AUTHORITY - CRASH FIRE RESCUE STATION - DELETED FROM THE AGENDA

It was pointed out there was a recommendation on the Agenda relating to the crash fire rescue station. Due the lack of bids, the Raleigh-Durham Airport Authority had requested that this item be removed from the Agenda. Without objection, the item was removed.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

***GREENWAY COMMISSION - ACCEPTANCE OF PROPERTY IN THE VICINITY OF NORTH HILLS/CRABTREE CREEK - APPROVED; GREENWAY MASTER PLAN TO BE FORWARDED TO PARTIES INVOLVED IN DEVELOPMENT OF DOROTHEA DIX PROPERTY

David King, Chairperson of the Greenway Commission, was at the meeting indicating the City of Raleigh has been offered a tract of approximately one acre in size on the north side of Crabtree Creek in the vicinity of North Hills Drive. He indicated the

only obligation on the part of the City would be a $480 unpaid sidewalk assessment. He pointed out the tax is less than $10 per year on this one acre of property. He indicated the Greenway Commission recommends that the City accept this land. Mr. Congleton moved the Greenway Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. King indicated there is a lot of activity relative to the development of the Dorothea Dix property. He indicated the greenway through the Dorothea Dix property is an integral part of the City's greenway system, therefore, the Commission recommends that the City send to all parties involved in the development of the Dix property information on how the Greenway Master Plan is affected by the development of that property. He stated the linking through this property is crucial and they just feel it would be wise for everyone to be familiar with the Greenway Master Plan. Ms. Block moved Mr. King's recommendation be upheld. Her motion was seconded by Mr. Calloway. Brief discussion took place on the sidewalk project along Western Boulevard and the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE BOARD OF ADJUSTMENT

***O&I ZONING DISTRICTS - ALLOWED USES - REFERRED TO PUBLIC WORKS COMMITTEE

The Agenda indicated the Board of Adjustment recommends that the City Council look at the matter of uses in O&I zoning districts and office condominium projects and consider adopting an ordinance which sets out criteria for approval by the Board. Without discussion, the item was referred to Public Works Committee.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***TRANSIT TRANSFER FACILITY - CONDEMNATION ON LEASEHOLD - RESOLUTION ADOPTED

Mr. Walters reported the Real Estate Committee recommends adoption of a condemnation action on the leasehold interest on the site of the parking deck - transit transfer facility. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 795.

RESOLUTION (1985) - 795

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF WILMINGTON STREET DECKS, INC.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Wilmington Street Decks, Inc. for the following public purpose:

To prvide adequate and convenient parking in the Raleigh downtown area; specifically, to construct a multi-level automobile parking facility.

WHEREAS; the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

The leasehold interest(s) of Wilmington Street Decks, Inc. in and over those parcels, together with improvements, as described in lease agreements recorded in Deed Book 1446, pages 21, 46 and 35, Deedk Book 1459, p. 73, and Deed Book 1455, p. 429, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: May 7, 1985

Effective: May 7, 1985

REPORT AND RECOMMENDATION OF THE RALEIGH HISTORIC PROPERTIES COMMISSION - DEFERRED UNTIL MAY 21, 1985, MEETING

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***PERSONNEL RECLASSIFICATIONS - VARIOUS - APPROVED

Every six months, Administration reviews various positions which are submitted to ascertain if the duties and responsibilities are appropriately described in the job classification and if the salary level is appropriate.

The following positions are proposed for adjustment in reclassification and/or pay grade.

Department/ Division	Budget Code	Present Class/Grade	Proposed Class/Grade
City Clerk	1020	Sessions Reporter/27	Sessions Reporter/28
		Deputy City Clerk/31	Deputy City Clerk/32
Public Affairs	1130	Artist Illustrator/29	Graphic Designer/30
		Research & Public Information Spec/29	Public Affairs Specialist/30
Central Engineering	1200	Drafter III/29 (04440)	Property Identification Technician/30
		Assessment Supv/32	Assessment Supv/33
		Assistant City Engineer/40	Assistant City Engineer/41
Personnel	1210	Personnel Specialist/ 30 (15461)	Personnel Analyst I/34
Inspections	1240	Building Plans Examiner (II)/32 (Vacant)	Building Plans Examiner Examiner (III)/33
		Building Inspector Supervisor/34	Building Inspector Supervisor/35
		Electrical Inspector Supervisor/34	Electrical Inspector Supervisor/35
		Plumbing Inspector Supervisor/34	Plumbing Inspector Supervisor/35
		Mechanical Inspector Supervisor/34	Mechanical Inspector Supervisor/35
		Housing Inspector Supervisor/33	Housing Inspector Supervisor/34
		Zoning Inspector II/33	Zoning Inspector Supervisor/34
		Conservation Inspector (II)/33	Conservation Inspector Supervisor/34
		Building Plans Examiner (III)/35	Building Plans Examiner Supervisor/35
		Permit Office Administrator/37	Permit Office Administrator/38
		Housing Inspections Administrator/36	Housing Inspections Administrator/37
		Construction Inspections Administrator/37	Construction Inspections Administrator/39
Transportation	1230	Traffic Engineer II/ 40 (2)	Traffic Engineer II/41
Finance/ Collections	3020	Collector/26	Collector/28
		Office Assistant II/ 21 (73320)	Mail Machine Operator/22
Data Processing	3050	Unit Record Equip. Operator/24 (63935)	Data Control Clerk/26
Parking Violations	3060	Office Assistant II/ 21 (Vacant)	Office Assistant III/23
Payroll	3080	Payroll Supervisor/32	Payroll Supervisor/33

Department/ Division	Budget Code	Present Class/Grade	Proposed Class/Grade
Police/ Services	4020	Police Property Manager/23	Police Property Manager/26
Public Works/ Streets	5020	Office Assistant II/ 21 (68123)	Office Assistant III/23
		Lead Laborer I/24 (2) (Vacant)	Assistant Labor Supervisor/27 (3)
		Labor Supervisor/29 (vacant)	
		Laborer I/29 (3) (Vacant)	Equipment Operator II/25 (2)
		Street Superintendent/38	Street Superintendent/39
Public Works/ Sanitation	5030	Sanitation Superintendent/38	Sanitation Superintendent/39
ESD	5060	Garage Superintendent/37	Garage Superintendent/38
Parks & Recreation	6010	Park Ranger/29 (2) (42058; 25847)	Park Ranger II/31
		Recreation Center Supervisor I/26 (4) (11710; 71090; 26600; 00017)	Recreation Center Supervisor II/28
		Recreation Program Supervisor I/29 (69570)	Assistant Athletic Program Supervisor/31
		Athletic Program Supervisor/32	Athletic Program Supervisor/34
	6020	Laborer I/19 (Vacant)	Laborer II/21
		Tree Trimmer I/23 (03962)	Tree Trimmer II/26
Public Utilities	7010	Drafter I/25 (29652)	Graphics Technician/29
		Operations Superintendent/36	Operations Superintendent/37
	7030	Water/Wastewater Treatment Supt/39	Water/Wastewater Treatment Supt/40
	7050	Chemist I/32 (32739)	Industrial Pretreatment Coordinator/33
		Office Assistant II/21 (62656)	Office Assistant III/23
		Water/Wastewater Treatment Supt/39	Water/Wastewater Treatment Supt/40
	7060	Laborer II/21 (2) (62820; 07678)	Lead Laborer I/24

Recommendation: That the above be approved and become effective July 10, 1985.

Mr. Congleton questioned the difference in the pay grade of the various Inspection Supervisors pointing out part are graded at 34 and the rest at 35. He questioned why. City Manager Benton indicated the ones at 35 are the more technical in trades, buildings, electrical, etc., and requires a more involved knowledge of the department operations. Mr. Calloway pointed out we have placed a lot of emphasis on conservation and questioned why the Conservation Inspector is graded at a Pay Grade 34. City Manager Benton indicated whether or not the City puts special emphasis on a program does not get into the setting of the salary. He indicated the City does continue give conservation top priority but that does not change the nature of the work. After brief discussion, Mr. Calloway moved the Manager's recommendations on reclassifications and pay studies be upheld. His motion was seconded by Mr. Walters and put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***STATE SYSTEM STREETS - TRANSFER TO CITY SYSTEM - APPROVED

A review has been made of State System streets within the City. A number of these streets no longer serve as inter-city routes or through streets. It is appropriate to consider requesting the State to transfer these streets to the City. Such could be beneficial in that the Powell Bill (gas tax) distribution is based on miles of City maintained streets. Listed below are those streets suggested for transfer to the City system.

S.R. Number		Length (feet)	From	To
2664	Old Rock Quarry Rd.	300	New Rock Quarry	End of City Maint.
1525	Hoke Street	1393	Wilmington Street	End of City Maint.
2196	Departure Drive	4062	Millbrook Road	City Limits
2596	Lenoir Street	3471	Person Street	Rock Quarry Road
1552	Olympia Drive	950	1551	Dead End
*1733	Oberlin Road	3592	Clark	Annapolis
1676	Dixie Trail	8105	Hillsborough St.	Lake Boone Trail
1676	Lake Boone Trail	4500	Dixie Trail	Beltline
1812	Shelley Road	6200	Six Forks Road	Creek
2679	Service Road	721	Sherwee Drive	Wilmington Street
1514	Boylan Avenue	2584	South Street	Mountford-(end of R/W)
1012	1004 South Street	3848	Edenton Street	Smithfield Street
1808	Lassiter Mill Road	6077	St. Mary's Street	Six Forks Road
1808	St. Mary's Street	3118	Glenwood Avenue	Lassiter Mill Road
1573	Illeagnes Street	632	401 South	South Saunders Street
3012	Annapolis Street	870	Wade Avenue	Oberlin Road
1012	South Street	4717	Person Street	Garner Road
		55,140		

Recommendation: That the Council approve a request to the State Department of Transportation for the removal of the above noted streets.

City Manager Benton explained what is meant by this proposed action. He pointed out the City continues to work with Oberlin Road and it is felt that the whole area is a State systems street, however, in order not to confuse the issue, Administration would request that the entry "1733 - Oberlin, from Clark Avenue to Annapolis Street" be deleted from the list as outlined on the Agenda. He indicated by taking this action, the City would expect that there would be an increase in the Powell Bill allocation and the City is accepting streets that are in good condition. Mr. Walters moved the Manager's recommendation as outlined be upheld. His motion was seconded by Ms. Babb. Ms. Cates questioned if these streets would be reclassified with City Manager Benton indicating they would not. It just relates to the way they are maintained, etc. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 783

A RESOLUTION REQUESTING THE STATE HIGHWAY COMMISSION TO MAKE DECISIONS DESCRIBED HEREIN FROM THE STATE HIGHWAY STREET SYSTEM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the State Highway Commission be and it is requested to delete the following streets from the State Highway System:

(a) Old Rock Quarry Road (SR 2664) from the New Rock Quarry to end of City Maintenance

(b) Hoke Street (SR 1525) from Wilmington Street to end of City Maintenance

(c) Departure Drive (SR 2196) from Millbrook Road to City Limits

(d) Lenoir Street (SR 2596) from Person Street to Rock Quarry Road

(e) Olympia Drive (SR 1552) from SR 1551 to Dead End

(f) Dixie Trail (SR 1676) from Hillsborough Street to Lake Boone Trail

(g) Lake Boon Trail (SR 1676) from Dixie Trail to Beltline

(h) Shelley Road (SR 1812) form Six Forks Road to Creek

(i) Service Road (SR 2679) from Sherwee Drive to Wilmington Street

(j) Boylan Avenue (SR 1514) from South Street to Mountford (end of Right-of-Way

(k) 1004 South Street (SR 1012) from Edenton Street to Smithfield Street

(l) Lassiter Mill Road (SR 1808) from St. Mary's Street to Six Forks Road

(m) St. Mary's Street (SR 1808) from Glenwood Avenue to Lassiter Mill Road

(n) Illeagnes Street (SR 1573) from 401 South to South Saunders Street

(o) Annapolis Street (SR 3012) from Wade Avenue to Oberlin Road

(p) South Street (SR 1012) from Person Street to Garner Road

Section 2. That a copy of this resolution shall be furnished to the State Highway Commission.

Adopted: 5/7/85

***BASEBALL TEAM - POSSIBILITY OF MINOR LEAGUE TEAM IN RALEIGH - REFERRED TO THE LAW AND FINANCE COMMITTEE

City Manager Benton explained a representative of a professional baseball minor league has approached the City Manager's Office with the suggestion that Raleigh consider a minor league team. This proposal is complicated by the lack of a readily viable playing facility owned by the City. A need exists to assess this suggestion to determine the public interest in such a program as well as the alternatives for providing the requisite facilities.

Recommendation: That this item be referred to an appropriate Council committee for study.

Mayor Upchurch indicated that this item has been discussed at some length in the news media and at this point, he would suggest that the matter be referred to the Law and Finance Committee. He stated, however, Neil Sullivan from Durham, had conducted a franchise study on Raleigh and would like to present the results.

Neil Sullivan indicated the study was prepared in the spring of 1985 as a part of a class in entrepeneurship and new venture management at the Fuqua School of Business at Duke University. He indicated some of the information contained in the study remains the property of the authors of the report. He went over the report, the assumptions and the conclusions of their research. A copy was presented for the City's records.

Ms. Cates indicated she feels that the location of a baseball stadium in the City would be one of the biggest problems and she doesn't feel the people would want it located in District E and any facility such as this should be compatible to the neighborhood. Ms. Block indicated on a priority of one to ten that a professional baseball team in Raleigh would rate about one-half in her opinion. She pointed out the University has a field that could be rented and she feels that this could be a venture of private parties.

***WATER AND SEWER RATE DEVELOPMENT STUDY - CITY AUTHORIZED TO ENTER INTO CONTRACT WITH CAMP DRESSER AND McKEE - FUNDS APPROPRIATED

In 1980-81, the City retained the firm of Camp Dresser and McKee to prepare a water and sewer rate study which would be used in conjunction with the new utility facilities to be built and the sale of water and sewer services to other municipalities.

The City has now substantially completed the water capital program and the new rates have been in effect for four years. For this reason and because the Towns of Knightdale and Apex have requested that the City consider selling an additional amount of wastewater treatment capacity to them is the basis for suggesting that the firm of Camp Dresser and McKee be retained to review the City's water and sewer rate program. A proposal has been developed with this firm which would involve the firm as well as one of the individuals who conducted the original study. This proposal would involve a fee based on time and expense to cost approximately $12,000. A copy of the proposed agreement was in the Agenda packet.

Recommendation: That Administration be authorized to enter into a contract with CDM for the utility rate review, that the Mayor be authorized to execute the agreement, and that the following transfer of funds be approved:

From:	06-02-7100-0002	P.U. Contingency	$15,000
To:	06-02-7010-0270	P.U. Rate Study	$15,000

Ms. Block questioned if we have an estimate of the time frame involved with City Manager Benton indicating it is his understanding that they could get started in a couple of weeks. Public Utilities Director Simmons indicated they could start just as soon as the City authorized. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 555 TF 21.

***ANNEXATION - BRIAR CREEK - REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE PUBLIC HEARING; REFERRED TO WORK SESSION

A petition for voluntary annexation has been received from the owners of approximately 1,750 acres of land located in the southwest corner of Airport Road and U.S. 70 West. This is the tract that has been reported in the news media during the past week and an informational report has been provided to the Council. Included with the petition was a proposed agreement concerning extension of water and sewer services to the property.

Recommendation: That the Council receive the petition and refer it to the City Clerk to ascertain the sufficiency of the petition as to form and property owners and the scheduling of a public hearing on June 4, 1985.

Brief discussion took place with City Manager Benton briefly explaining the location, agreements, etc. After brief discussion, Mr. Congleton moved that the petition be referred to the City Clerk to ascertain the sufficiency of the petition as to form, property owners and to schedule a public hearing on June 4, 1985, if found sufficient. In the interim, the request would be referred to Work Session for full explanation to the Council. The motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***BID REQUEST 84-65 - SALE OF SURPLUS EQUIPMENT - VARIOUS AWARDS MADE

It was pointed out on May 1, 1985, the Office of the Purchasing Agent received bids for various surplus equipment. Administration recommends that the following high bids be awarded:

ITEM #	VEHICLE #	DESCRIPTION	HIGH BIDDER	AMOUNT
1.	CAT	1976 Chev. Vega	Cary Used Cars	$ 248.88
2.	1100	1976 Chev. Vega	Cary Used Cars	276.88
3.	1737	1976 Chev. Vega	Cary Used Cars	254.88
4.	1738	1976 Chev. Vega	Joseph Boyd	225.00
5.	3901	1977 Chev. Vega	Cary Used Cars	232.88
6.	3903	1975 Chev. Vega	Martins Auto Parts	139.00
7.	1771	1975 Chev. Vega	Grover Hinson	301.00
8.	1764	1977 Chev. Vega	Charlie Brown	187.50
9.	1727	1977 Chev. Vega	Mamie Davis	150.00
10.	1732	1978 Chev. Monza	Martins Auto Parts	201.00
11.	3984	1972 Chev. Nova	Cary Used Cars	328.88
12.	1761	1972 Chev. Nova	Martins Auto Parts	137.50
13.	0131	1982 Chev. Impala	Martins Auto Parts	750.00
14.	0025	1971 Ply. Valiant	Cary Used Cars	324.88
15.	1734	1973 Ply. Valiant	Cary Used Cars	276.88
16.	1753	1973 Ply. Valiant	Cary Used Cars	286.88
17.	3783	1976 Ply. Valiant	Martins Auto Parts	150.00
18.	1736	1975 Ply. Fury	William Hockaday	319.00
19.	1765	1975 Ply. Fury	William Hockaday	320.00
20.	0453	1977 Ply. Fury	William Hockaday	335.00
21.	70	1977 Ply. Fury	Dean Gaskins	612.00
22.	71	1977 Ply. Fury	Joseph Boyd	375.00
23.	0318	1970 Pontiac Gr. Prix	Grover Hinson	501.00
24.	1758	1974 Ford Pinto	Grover Hinson	201.00
25.	0411	1974 Olds Cutlass	Clemmons Garage	127.87
26.	0314	1976 Olds Delta 88	Larry's Used Cars	327.00
27.	3832	1978 Chev. Luv	Larry's Used Cars	603.00
28.	0168	1980 Chev. Luv	Cary Used Cars	756.88
29.	0169	1981 Chev. Luv	Capital Truck Salvage	995.00
30.	3974	1973 Chev. C-10	Cary Used Cars	722.88
31.	2863	1975 Chev. C-10	Capital Truck Salvage	435.00
32.	2711	1974 Chev. C-60	John Davis	1,256.56
33.	2320	1974 Chev. C-60/Lift	Allied Equip. Co.	1,851.00
34.	2316	1974 Chev. 3/4 Ton	Cary Used Cars	768.88
35.	2720	1976 Chev. 3/4 Ton	Capital Truck Salvage	545.00
36.	3307	1977 Intl. 1600	Allied Equipment	1,501.00
40.	1104	1971 MACK Loadpacker	William Coston	238.00
43.	0459	1977 Cushman	Grover Hinson	303.00
44.		Isuzu 4 Cyl. Engine	James Laughing	76.00
45.	1898	1977 Honda Generator	Larry's Used Cars	156.00
46.	1899	1977 Honda Generator	Larry's Used Cars	156.00
47.	2448	1973 Woods Mower	Larry's Used Cars	206.00
48.	2363	1979 Woods Mower	Larry's Used Cars	246.00
49.	2427	1981 Hechendorn Mower	Cary Used Cars	312.89
50.	2428	1981 Hechendorn Mower	Larry's Used Cars	256.00
51.	2429	1981 Hechendorn Mower	Cary Used Cars	322.88
52.	2430	1982 Kut Kwick Mower	Larry's Used Cars	156.00
53.	2435	1982 Kut kwick Mower	Larry's Used Cars	156.00
54.	2436	1982 Kut Kwick Mower	Larry's Used Cars	156.00
55.	2437	1982 Kut Kwick Mower	Larry's Used Cars	156.00
56.	4665	1979 Air Flo. Mower	Deak Gaskins	31.00

Brief discussion took place as to whether the "Larry's" listed is the same one that the City had had problems with in the past with it being pointed out it is a different person and firm. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMMUNITY DEVELOPMENT - BLOCK GRANT APPLICATION - FINAL STATEMENT TO BE SUBMITTED

The City is obligated to submit its next fiscal year "Final Statement" by June 7, 1985, to HUD. The proposal is complete except for the funding level to be used specifically for social services. The hearings have been held.

On May 6, the proposed final statement was advertised for public review. A lump sum amount will be shown for social services funding which can be allocated at a later date during the City's budget review process.

Recommendation: That the Council approve the final statement for submittal to HUD. Ms. Babb moved the recommendation as outlined be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***MUNICIPAL AGREEMENT - COMPUTERIZED SIGNAL SYSTEM - APPROVED

The City and State are working together on a project to install communication lines for operation of the computerized signal system. The project will result in a cost savings over leasing of the lines as is currently being done. The direct cost to the City is expected to be $73,882 to be paid in three annual installments of $24,627 beginning in 1986.

A proposed municipal agreement has been developed for this project. One special consideration involved how these lines would be handled on Hillsborough Street because of the City's plans for the 100 and 200 Blocks. The proposed arrangements would involve installing the lines underground in the 100 and 200 Block with the initial project. The City would coordinate installation with the City's sidewalk project and assure the sidewalk is removed. The City would also provide the street cut and any necessary reimbursement for underground installation across Hillsborough Street at Salisbury Street. These latter two activities would involve additional costs of less than $10,000. The lines in the 300-500 Blocks would be placed overhead and buried at the time when other lines in these blocks are placed underground.

Recommendation: That the Council approve the municipal agreement with the N.C. Department of Transportation for the signal cable project. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 796

A COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Mr. Congleton and seconded by Ms. Babb for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation and the City of Raleigh propose to make certain street and traffic improvements within the City of Raleigh consisting of the replacement of leased line communication cable with user owned communication cable for the Municipality's Computerized Signal System under Project 8.1400201, Wake County; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the Department of Transportation to the extent of:

(1) Effecting the necessary adjustments of any utilities under franchise and providing for the adjustments of any Municipally owned utilities, said adjustments to be accomplished without cost to the Department of Transportation.

(2) Providing any additional right-of-way necessary for the project without cost to the Department of Transportation.

(3) Reimbursing the Department of Transportation for project costs incurred by the Department to the extent of 23.24% of the actual project costs. However, in the event that costs exceed the maximum amount allowed by the Federal Highway Administration, this Municipality will reimburse the Department to the extent of 33.80% of the excess amount. Reimbursement to the Department of Transportation will be made in three (3) annual installments with the first installment due one (1) year after the date of availability of the construction project and upon billing by the Department.

(4) Authorizing the Department of Transportation to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Department for said project costs, in accordance with the provisions for payment hereinabove provided, until such time as said Department has received payment in full for said project costs.

NOW, THEREFORE, BE IT RESOLVED that Project 8.1400201, Wake County, is hereby formally approved by the City Council of the City of Raleigh and that the Mayor and City Clerk of the City of Raleigh are hereby empowered to sign and execute the required agreement between the City of Raleigh and Department of Transportation.

***YORK HANNOVER PROJECT - REFERRED TO THE DOWNTOWN COMMITTEE - ADMINISTRATION TO MAKE A REPORT

The agreement between the City and York Hannover covers the construction of two buildings. The second building is described in the agreement as having a use as a hotel. York Hannover has submitted a request to amend the agreement which would permit a change of use on the parcel in front of the hotel and on the west side of the Plaza. A report from York Hannover was included in the Agenda packet.

Recommendation: That the Council give tentative approval of this request subject to a review of the agreement by City Administration and submittal of a specific amendment to York Hannover which would address this request and related matters concerning construction of the second building. Without objection, it was agreed to refer the item to Administration to give a report directly to the Downtown Committee.

***CAPITAL RESERVE FUND - ESTABLISHMENT - RESOLUTION ADOPTED

In June 1984, the Council approved the Capital Improvement Program which included the establishment of a Capital Reserve Fund. This fund would receive annual payments to replace project appropriations made from Revenue Sharing services. This program is again a critical feature of the updating of the Capital Improvement Program and the five-year funding plan and especially significant as General Revenue Sharing is planned to be terminated on September 30, 1985.

The formal establishment of a Capital Reserve Fund is needed and the following criteria is suggested:

1. Generally, payments to the fund should be made in equal annual installments for ten (10) years at the annual interest available for City bonds. This interest rate is approximately eight percent at this time.

2. The terms of payment should be adapted to the characteristics of particular projects which have the revenue potential for earlier pay back.

3. The sources of payments should be related to the types of projects originally financed. (Utility source for utility projects, parking revenues for parking projects, project revenues for Downtown projects, General Fund for projects which do not directly produce revenue, etc.)

4. Payments should begin in the year following the encumbrance of funds for a project.

5. Payments to the fund should be made for all new projects which use a significant amount of Revenue Sharing or Capital Reserve Funds.

The following schedules for payment to the "Capital Reserve Fund" are recommended for projects which are expected to be initiated during the current fiscal year:

1. Wastewater Treatment Plant

   a. Revenue Sharing funds of $1,200,000 to be reimbursed.

   b. Payment at 8 percent interest over a 10-year period.

   c. Annual payments of $180,000 from the Utility Fund beginning in 1985-86.

2. New Bern Place

   a. Revenue Sharing funds of $188,000 to be reimbursed.

   b. Payment of $90,000 from sale of White-Holeman House ($85,000 principal at 8 percent for one year).

   c. Payment of $157,000 from proceeds of the loan to Martin Development Group with payment due at the end of 5 years ($103,000 at 8.8 percent for 5 years).

3. Parking Garage in Transit Block

   a. Revenue Sharing funds of $1,000,000 to be reimbursed.

   b. Payment at 8 percent interest over a 10-year period.

   c. Annual payments of $150,000 from the Parking Fund beginning in 1986-87.

4. Civic Center Plaza and Lower Lobby

   a. Revenue Sharing funds of $251,000 to be reimbursed ($230,000 for Plaza and $21,000 for Lobby.)

   b. Payment at 8 percent interest over a 10-year period.

   c. Annual payments of $35,000 from the General Fund beginning in 1986-87.

Recommendation: That the City Council adopt a resolution authorizing the "Capital Reserve Fund." A proposed resolution was enclosed in the Council Agenda packet.

Ms. Cates moved Administration's recommendation be upheld and the resolution adopted. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 797

A RESOLUTION AUTHORIZING PAYMENTS TO THE CAPITAL RESERVE FUND

WHEREAS, the creation of the Capital Reserve Fund was approved by the City Council as part of the Capital Improvement Program adopted on June 7, 1984; and

WHEREAS, the purpose of the Capital Reserve Fund is to provide a continuing source of funds for general capital improvements; and

WHEREAS, the initial revenues for the Capital Reserve Fund are to be derived from payments similar to principal and interest payments for funds allocated to capital projects from the General Revenue Sharing Fund; and

WHEREAS, Revenue Sharing Funds in the amount of $1,200,000 were allocated for Wastewater Treatment Plan improvements on November 20, 1984; and

WHEREAS, annual payment of approximately $180,000 would be required for a loan of $1,200,000 for 10 years at 8 percent interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is the intent of the City Council to transfer $180,000 from the Public Utilities Fund to the Capital Reserve Fund each year for a 10 year period beginning in fiscal year 1985-86 and ending in fiscal year 1994-95.

Adopted: 5/7/85

***DOWNTOWN CAPITAL PROJECTS - FUNDING ADJUSTMENTS - APPROVED

City Manager Benton indicated several of the downtown projects are being prepared for bids and it is necessary to adjust the various funding accounts to reflect bids or the latest cost estimates. The Agenda outlined budgetary actions which are proposed for the New Bern Place improvements in the amount of $295,500, Civic Center Plaza in the amount of $230,000, parking garage transit block in the amount of $1,000,000, and the Civic Center lower lobby additions in the amount of $211,000. The Agenda outlined the source of funds and the code accounts in which the funds are to be appropriated and recommends that the budgetary actions be upheld. Brief discussion took place, after which Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adoption. See Ordinance 555 TF 21.

ORDINANCE NO. (1985) 560

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1984/1985 Budget Ordinance be amended as follows to set up funds for the Civic Center lower lobby:

Revenue:	40-1-0070-0200		$139,000.00
Expense:	40-1-0090-0220		50,000.00
Expense:	40-2-1517-0100		$189,000.00

Section 2. That the 1984/1985 Budget Ordinance be amended as follows to provide funds for foundation restoration contract for White-Holman House:

Revenue:	43-1-3000-0303	U.R. Land Sale	$ 27,500.00
Expense:	43-2-3430-0103	White-Holman Foundation	27,500.00

Adopted: 5/7/85

***BIDS - NEW BERN PLACE - LOW BIDS AWARDED

Bids have been received for improvements associated with this project. They are listed below:

1. Public Area Improvements - General

George W. Kane, Inc.	$202,987
Security Building Co., Inc.	258,900
Clancy & Theys	301,800

Alternates: $2,800 to replace old granite curbing
$1,500 installation of bibb and water meter.

2. Electrical Improvements

Smith Utilities	$ 21,205
Frye Electric Co.	22,516
Bitting Electric, Inc.	24,270
Modern Electric Co.	28,700
Watson Electric Co.	28,700

3. White-Holman House Foundation

Rhodes Contractors & Company	$ 27,500.
C&W Construction	27,650

Recommendation: That the low bids be awarded including the alternates on the General Construction project. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ROAD CONSTRUCTION PROGRAMS - STONEYBROOK/TRAWICK ROAD AND CROSS LINK ROAD - FUNDS APPROPRIATED; APPROPRIATE AGREEMENTS AUTHORIZED

Budget actions are needed on specific road projects.

1. Stoneybrook - Trawick Road

The Council was apprised of the feasibility of entering into an agreement with a developer to complete this road. Included in the Council Agenda packet is a proposal which has been developed between the City and the developer. The cost to the City would be approximately $36,000 under this plan as compared to a total cost of $68,000.

In addition, the Council has directed that the staff proceed to acquire the tract at Trawick Road and U. S. 1 North which would improve that intersection and facilitate the ultimate connection with Huntleigh Drive.

Recommendation: That the Council approve the Stoneybrook project as per the proposal and authorize the execution of the appropriate agreement.

That the following transfer of funds be approved:

From:	08-2-0000-0001	Council Reserve	$128,000
To:	32-2-5060-0100	Stoneybrook Connector	$ 36,000
	32-2-5060-0103	Trawick Road R/W	92,000
			$128,000

2. Cross Link Road

The following transfer is needed to establish the project account for the relocation project on the east end of Cross Link Road.

From:	32-2-5050-0100	Ind. Access Road	$180,000
To:	32-2-5055-0100	Cross Link Reloc.	$172,000
	32-2-5055-0103	Cross Link Reloc. R/W	8,000
			$180,000

Recommendation: Approval of transfer request.

3. Spring Forest Road

The following transfer is needed to establish the project account for this road segment from Fall of Neuse Road to Sandy Forks Road.

From:	01-2-1040-0004	Reserve-Street	$ 950,000
	01-2-1040-0005	Reserve-Street	370,000
			$1,320,000
To:	35-2-2010-0100	Spring Forest/ Lynn Conn.	$1,320,000

From:	08-2-0000-0001	Council Reserve	$ 200,000
To:	32-2-5045-0103	Spring Forest/ Lynn R/W	$ 200,000

Recommendation: Approval of transfer request.

4. Atlantic Avenue

The following transfer is needed to fund the remaining right-of-way acquisition on this project.

From:	32-2-3000-0120	Atlantic Avenue	$ 750,000
To:	32-2-3000-0103	Atlantic Avenue "C"	$ 750,000

Recommendation: Approval of transfer request.

5. Benson Drive

The following fund transfer is needed to finalize right-of-way acquisition:

From:	32-2-5031-0100	Benson Drive Construction	$132,000
To:	32-2-5031-0103	Benson Drive R/W	$132,000

Recommendation: Approval of transfer request.

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 555 TF 21

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth n the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT		OBJECT CLASSIFICATION	AMOUNT
From	32-2-5031-0100	Benson Dr. Construction	$ 132,000.00
To	32-2-5031-0103	Benson Drive R/W	132,000.00
Purpose: To finalize right-of-way acquisition.			
From	01-2-1040-0001	Contingency	$ 65,000.00
To	01-2-5030-0702	Refuse Collection Unit	65,000.00
Purpose: Acquiring one rear loading garbage truck.			
From	32-2-3000-0120	Atlantic Avenue	$ 67,000.00
To	32-2-4495-0201	Millbrook RR Crossing	67,000.00
Purpose: To provide funds for Seaboard Railroad to relocate signals and construct crossing at new alignment for Millbrook Road.			
From	43-2-3010-0231	Travel	$ 300.00
From	43-2-3010-0213	Regis. & Subs.	200.00
From	43-2-3090-0600	Auto	1,770.16
From	43-2-3090-0237	Auto Reimb.	440.00
From	43-2-3100-0240	Print & Reprod.	500.00
From	43-2-3100-0231	Travel	364.84
To	43-2-3090-0701	Computer	4,035.00
Purpose: To provide sufficient funds to purchase IBM Personal Computer, Printer, Interface, DOS, Cable and Software.			
From	01-2-1040-0001	Council Contingency	$ 9,000.00
To	01-2-1040-0501	Indirect Cost Allocation	9,000.00
Purpose: To provide funds for the City's Indirect Cost Allocation Plan FY '84 Plan.			
From	01-2-6030-0708	Tractor/Mower	$ 15,000.00
To	01-2-6020-0225	Repairs to Bldgs.	15,000.00
Purpose: Providing adequate funds for remainder of fiscal year.			
From	01-2-4020-0284	Educational Assistance	$ 5,000.00
To	01-2-4020-0243	Uniforms & Equipment	5,000.00
Purpose: To buy batteries, belts and other police equipment.			

CODE	ACCOUNT	OBJECT CLASSIFICATION		AMOUNT
From	06-2-7040-0705	Hydrants & Parts	$	3,000.00
To	06-2-7040-0724	Hydraulic Boom		3,000.00
Purpose: To purchase hydraulic boom to pull hydrants out of ground.				
From	06-2-7060-0702	Sewer Pipe	$	2,000.00
To	06-2-7060-0241	Sewer Materials		2,000.00
Purpose: To provide funds needed for remainder of fiscal year.				
From	06-2-7030-0225	Repair to Structure	$	4,500.00
To	06-2-7030-0265	Other Services		4,500.00
Purpose: To provide funds needed for remainder of fiscal year.				
From	06-2-7040-0705	Hydrants/Parts	$	2,000.00
To	06-2-7040-0236	Equip. Rental		2,000.00
Purpose: To provide funds needed for remainder of fiscal year.				
From	01-2-5020-0609	Asphalt Roller	$	5,500.00
To	01-2-5060-0921	Water & Sewer Reimb.		5,500.00
Purpose: To provide funds for remainder of fiscal year.				
From	01-2-1040-0202	Auto Fire Theft Comp.	$	1,600.00
To	01-2-1040-0210	Fire & Police Relief		1,600.00
Purpose: To supplement account to meet workers' compensation payments for Police Officers and Firemen for remainder of FY.				
From	01-2-1040-0291	Auto Liab. BI & PD	$	6,657.00
To	01-2-1040-0215	Pub. Liab. Ins.		6,657.00
Purpose: To supplement account for quarterly premium payment of Public Liability Insurance.				
From	37-2-1081-0100	Roof Repairs	$	11,835.00
To	37-2-1081-0105	Roof Repairs, Gyms		11,835.00
Purpose: To establish account for roof repairs to gymnasiums at Chavis, Jaycee and Lions Community Centers.				
From	06-2-7100-0002	Contingency	$	15,000.00
To	06-2-7010-0270	Rate Study		15,000.00
Purpose: To fund review of rate study.				
From	31-2-2000-0100	New Bern Place Sidewalk	$	80,000.00
From	34-2-3910-0100	Hillsborough St. Landscpg.		100,000.00
From	34-2-3915-0100	New Bern Place Landscpg.		35,000.00
From	34-2-3300-0200	Bikeways		1,475.00
From	34-2-3300-0201	Bikeways		8,275.00
From	34-2-1000-0100	Council Reserve		32,250.00
From	34-2-3802-0100	Bridges & Office Space		11,000.00
To	34-2-3915-0101	New Bern Pl. General		210,000.00
To	34-2-3915-0105	New Bern Pl. Electrical		21,500.00
To	34-2-3915-0106	New Bern Pl. Ut. Reloc.		14,000.00
To	34-2-3915-0104	New Bern Pl. Misc.		22,500.00
Purpose: To provide funds for landscaping and parking lot improvements according to New Bern Place Redevelopment Plan.				
From	34-2-3805-0102	Mun. Bldg. A&E	$	75,000.00
From	34-2-3807-0100	Telephones		50,000.00
From	34-2-3700-0200	RHA Housing		97,000.00
From	34-2-3802-0100	Bridges & Office Space		8,000.00
To	40-2-1515-0000	CC-Plaza		230,000.00
Purpose: To complete funding for Civic Center Plaza improvements according to latest cost estimates.				
From	34-2-3930-0100	City Market	$	700,000.00
From	34-2-3935-0100	Moore Square Imp.		200,000.00
From	34-2-3411-0100	St. Maint. Site Imp.		100,000.00
To	44-2-3000-0100	Parking Garage/Transit Block		1,000,000.00
Purpose: To complete funding for Transit Block Parking Garage.				
From	34-2-3805-0112		$	21,000.00
To	40-2-1517-0100			21,000.00
Purpose: To set up funds for Civic Center interior improvements related to the tower level access from the parking garage.				
From	08-2-0000-0001	Council Reserve	$	128,000.00
To	32-2-5060-0100	Stoneybrook Connector		128,000.00
Purpose: To set up funds for project approved in Thoroughfare Improvement Program for 84-85 funding.				
From	32-2-5050-0100	Ind. Access Roads	$	180,000.00
To	32-2-5055-0100	Cross Link Relocation		172,000.00
To	32-2-505500103	Cross Link Relocation ROW		8,000.00
Purpose: To set up funds for projects approved in Thoroughfare Improvement Program for 84-85 funding.				

From	01-2-1040-0004	Reserve for Streets	$ 950,000.00
From	01-2-1040-0005	Reserve for Streets	370,000.00
To	35-2-2010-0100	Spring Forest/Lynn Connector	1,320,000.00

Purpose: To set up funds for project approved in Thoroughfare Implementation Program for 84-85 funding.

From	32-2-3000-0120	Atlantic Avenue	$ 750,000.00
To	32-2-3000-0103	Atlantic Avenue C	750,000.00

Purpose: To set up funds for right-of-way according to recently received appraisals.

From	08-2-0000-0001	Council Reserve	$ 200,000.00
To	32-3-5045-0103	Spring Forest/Lynn Conn. ROW	200,000.00

Purpose: Set up funds for right-of-way acquisition.

Adopted: 5/7/85

***MILLBROOK ROAD REALIGNMENT - AGREEMENT WITH THE RAILROAD - CITY AUTHORIZED TO SIGN - RESOLUTION ADOPTED

City Manager Benton indicated on the Consent Agenda, there was a Capital Project item relating to Millbrook Road relocation that was approved. He indicated in addition, it is recommended that the Mayor be authorized to sign the agreement with the railroad relating to this project. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 808

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and to sign same on behalf of said City whereby said Railroad grants to said City an easement or right-of-way for relocating and maintaining Millbrook Road (S.R. 2108), across said Railroad's right-of-way and trackage at Raleigh (Millbrook), North Carolina, as particularly set forth in said agreement, which agreement is dated June 14, 1984, a copy of which agreement is filed with the City Council.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***FACILITY FEES - ALTERNATE DOCUMENT - APPROVED

City Attorney McCormick indicated City Manager Benton sent out a proposed substitute bill relating to the facility fees. He indicated he would need for the Council to approve the document that was sent out so he could convey this approval to our delegation and they can move forward. Mr. Walters moved the Attorney's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STATE SYSTEM STREETS - CLARIFICATION OF CONFLICT BETWEEN STATUTES - CITY ATTORNEY AUTHORIZED TO PROCEED

City Attorney McCormick indicated the City is still working on the Oberlin Road relocation. He indicated we have to use enabling legislation that is granted by two separate statutes. He indicated one of the statutes talks about things that we can do on State system streets such as curb, gutter, etc., but it does not mention widening. He indicated a second statute gives us authority to widen. He indicated he feels that it would be good if we could get a clarification of these two statutes that would give clear authority to cities to widen and/or realign a State system street if the State concurs. He pointed out this would be a State-wide bill and he would like permission to ask our delegation to introduce such a bill. Without objection, the City Attorney was authorized to proceed.

REPORT OF MAYOR AND COUNCIL MEMBERS

***BUSINESS TECHNOLOGY CENTER - INTERGOVERNMENTAL LIAISON COMMITTEE ASKED TO DISCUSS

Mayor Upchurch indicated Item 62 on the Intergovernmental Liaison Committee relates to the Business and Technology Center for the City of Raleigh. He indicated this item needs attention explaining the Chamber of Commerce had made some agreements relative to this item, however, now they are going off in a different direction. He indicated this process is working in other towns and could be working here, therefore, he would like for the Intergovernmental Liaison Committee to discuss the item.

***TRAFFIC - RESIDENTIAL PERMIT PARKING - DIXIE TRAIL/EVERETTE AVENUE - ADMINISTRATION TO CHECK

Mayor Upchurch indicated he had been contacted by Mrs. R. L. Atkins who lives at the intersection of Dixie Trail and Everette Drive. He indicated Mrs. Atkins has an elderly mother who needs a nurse's care. He explained this is located in a residential permit parking area and the nurse is unable to get a parking permit as

she does not live in the area. He indicated as he understands, Ms. Atkins does not have sufficient yard space to allow the nurse to park, therefore, someone must go out every two hours to move the car. He explained the restricted parking ends one block away but as far as he knows, there is no way to provide an exception. City Attorney McCormick indicated the way the residential permit parking requirements are written, there is nothing that allows an exception. After other discussion with Ms. Cates and Ms. Block indicating they would look into this, the matter was referred to Administration.

***INVENTORY TAX - CONCERNS RECEIVED

Mr. Walters indicated there is a proposed Senate Bill that would allow counties to exempt inventory taxes. He stated he is very concerned about this possibility. He indicated there are several other things going on in the General Assembly as far as tax is concerned. He stated he would try to get Council Members a report but he just thought they would like to know about what is going on. The comments were received.

***LEGISLATIVE UPDATE - MS. CATES REQUESTS INFORMATION

Ms. Cates indicated she attended the League Meeting recently at the Governor's Inn which gives an update of pending legislation. She stated this was a very interesting and she would like Administration to provide the Council with a status report on this pending legislation. After various comments, the item was referred to Administration.

***ZONING CODE REVISIONS - REPORT REQUESTED

Ms. Cates indicated she is concerned about our Zoning Code revision and she would like to know when the Council might be able to work on this item more. She stated she knew that the City had been working on the Zoning Code piecemeal, however, it was one of the City Council's priorities for this session, therefore, she would like to have a report on where we are and when this might be scheduled for Work Session again. The item was referred to Administration.

***METHOD PARK - REQUEST TO ERECT STATUE - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had received a request from the Alumni of the Byrl O'Kelly School who would like to have permission to erect a monument on the old campus of the school. He stated they would like to get the work under contract by September. Mr. Calloway presented the information to the City Manager for a report back on whether this could be accomplished.

***LAND USE COMPUTER - COMMENTS RECEIVED

Ms. Block indicated before lunch, the Council was invited to look at the land use data computer system. She questioned if this is purely for internal use or if it can be used by persons on the outside. City Manager Benton indicated the Access Code is issued to certain City employees and no one outside the City could obtain the information. No one inside the City can access the information unless they have a code. The comments were received.

***HALIFAX COURT BALLFIELD - INFORMATION REQUESTED

Ms. Block questioned when we would have a report on providing lights at the Halifax Court ballfield. She indicated she had been contacted by a resident who lives at 932 Wilmington Terrace and was told that WRAL was going to cover one of their recent ballgames but could not because there are no lights. She stated in addition there is a lot of poison ivy in and around the field. The comments were received and Administration was asked to provide a report.

***CHAMBERLAIN STREET - TRASH PILE - TO BE REMOVED

Ms. Babb indicated she had had citizens complain about a large pile of trash at the end of Chamberlain Street. She indicated she understands that it has large rats, etc. City Manager Benton indicated he was aware of the problem and it should be corrected by the end of this week or next week. The comments were received.

***REQUESTS AND PETITIONS OF CITIZENS - SHARON SENTS - ADDED

Mr. Congleton asked as a point of personal privilege that Sharon Sents be added to the night portion of the Agenda under Requests and Petitions of Citizens. He indicated Mrs. Sents would like to discuss the parking prohibitions on Princeton Street. Without objection, Mrs. Sents was added to the Agenda.

***STORM DRAINAGE - PASTELL LANE - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he had received complaints that the storm drainage installed on Pastell Lane in Kingsmill Village is not working properly. He asked Administration to look into the problem.

***TRAFFIC - GREYSTONE SWIM CLUB - ADMINISTRATION TO INVESTIGATE

Mr. Congleton indicated the Greystone Swim Club on Sawmill Road evidently has a large number of members. He explained it is on a curve and he has received complaints about problems and asked Administration to look into this situation to see if some additional signage is appropriate or the speed limit should be reduced. Without objection, the item was referred to Administration.

***SIDEWALK INSTALLATION - KINGS MILL VILLAGE - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated there is a problem with a sidewalk in Kings Mill Village and the fact that the sidewalk has not been installed. He indicated as he understands it, a builder purchased a lot from the original developer and the builder was to install the sidewalk but it has not been done. He explained it is his understanding that Engineering Department has tried to get the sidewalks installed but cannot. He requested that this matter be referred to the Law and Finance Committee and asked the City Attorney to work with the Committee in trying to come up with a solution. Without objection, the item was referred to a Committee.

***EFFIE GREEN SCHOOL - INGRESS/EGRESS - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he had been receiving complaints relative to ingress/egress from Effie Green School. He indicated he knew that this was a long standing problem and a lot of work has been done in the past. He indicated he would like for Administration to look at the problem first and make a report back to Council.

***SIX FORKS ROAD IMPROVEMENTS - NORTH CHASE BUILDING - REFERRED TO ADMINISTRATION

Mr. Congleton indicated North Chase Office Buildings are being constructed on Six Forks Road. He indicated there are two buildings involved and as he understands, improvements were to be made to Six Forks Road when the first building reached 50 percent occupancy. He stated he did not know all of the details of the situation and whether or not a mistake was made on the site plan approval, however, the second building is almost completed and while he does not know the occupancy of the first building, there seems to be a lot of cars in the parking lot. He stated the developers have not begun to build their half of Six Forks Road or to make the improvements. He indicated Administration should work on the situation immediately, work with the developer to make sure that the improvements are made timely. Without discussion, the item was referred to Administration.

***STREET CLOSING - WOODS REAM DRIVE - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he had received a petition signed by 100 percent of the property owners on Woods Ream Drive requesting that the street be permanently closed. He indicated this is an internal street but is being utilized for through traffic, therefore, he would move that the City Council authorize that this request for a street closing go to public hearing. Ms. Block indicated she is a little concerned about sending something to public hearing without having a recommendation from the Department of Transportation with Ms. Babb agreeing. Discussion took place on the request for street closings that were on the Consent Agenda of today's meeting with it being pointed out by the City Manager that these items had gone through the administrative procedure. The proper procedure for a street closing was discussed, after which Mr. Congleton moved that the request for a street closing on Woods Ream Drive be referred to Administration to make a recommendation back to the City Council at the next meeting. This motion was seconded by Ms. Block and after discussion on the correct procedure for street closings to follow, whether the ones on today's Agenda had gone through the proper procedure, etc., the motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Babb who voted in the negative. The Mayor ruled the motion adopted.

***WORK SESSION - CITY OF RALEIGH LEGISLATIVE PACKET - CITY ATTORNEY TO GIVE UPDATE

Mayor Upchurch indicated he feels it would be good if the City Attorney could give an update on the City of Raleigh Legislative packet. Without objection, the item was referred to Work Session.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - APRIL 16/APRIL 18 - APPROVED

The Clerk indicated Council Members received copies of the minutes of the April 16 and April 18, 1985, Council Meeting. There being no corrections, Ms. Babb moved approval of the minutes as presented. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAX REBATES AND/OR REFUNDS - PROPOSED RESOLUTIONS - ADOPTED

The City Clerk reported Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listings, as submitted by the Wake County Tax Supervisor, for refunds for clerical error purposes made during the month of March.

Ms. Babb moved the Clerk's recommendation be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 775

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	Paul E. & Lola G. Bishop	01-2-0045542	$ 2,716	Relieved
1985	Blake Clark Enterprises, Inc.	01-1-5275105	209	Relieved
1985	Michael J. & Millicent R. Cannon	07-2-0136960	1,662	Relieved
1985	Christopher R. & Pamela Cardozo	07-2-0128008	7,019	Relieved
1985	Computer Sales Int.	11-1-5275093	18,800	Relieved
1985	Margaret Lee Dodson	07-2-5284223	7,688	Relieved
1985	William R. Johnston	11-2-5274715	18,620	Relieved
1985	Shawn Kent Lindsey	07-205284226	9,260	Relieved
1985	Pierre J. Planas	07-2-5284208	4,500	Relieved
1985	G.S.E. Prasad	01-2-5274712	827	Relieved
1985	Reva Rich	01-5-0059672	706	Relieved
1985	Robert Steel	01-1-5275099	1,554	Relieved
1985	Jacqueline N. Vrba	01-2-5285214	9,284	Relieved

Section 2. That the following request for relief be denied:

YEAR	TAXPAYER	AMOUNT
1985	John D. Hinson, Sr.	$ 15,064
1985	Nike Security Systems	20,452
1985	Powell & Griffis, Inc.	13,245
1985	Raleigh Maintenance Service, Inc.	12,234
1985	Kenneth E. Parrish	5,378
1985	James E. Phillips	16,140
1985	Center for Reproductive Research & Testing, Inc.	41,806
1985	Eastern Sole Corp.	6,932
1985	Eastern Sole Corp.	178,932
1985	Phelps Dodge Magnet Wire Co.	214,544

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 5/7/85

RESOLUTION NO. (1985) 776

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Bamerilease, Inc.	01-1-5210232	$385.02	Error-Illegal Billing
1982	Bamerilease, Inc.	01-1-5210232	507.96	Error-Illegal Billing
1984	Barbecue Lodge, Inc.	13-1-5196551	475.70	Error-Illegal Billing
1984	Larkins, Charles H. & Sharon C.	13-2-5260870	42.19	Error-Illegal Billing

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Miller, Arthur & Clotiel	01-2-0085372	580.63	Error-Illegal Billing
1983	Moye, Sidney M.	13-1-5248103	194.75	Error-Illegal Billing
1984	Morris, Gregory S.	11-2-5189903	124.35	Error-Illegal Billing
1984	Nim T/A Carolina Antiques	01-1-5267638	57.74	Error-Illegal Billing
1984	Piano Tech Services	01-1-5479320	49.41	Error-Illegal Billing
1984	Saparilas, Mamie J.	01-2-0062255	.25.01	Error-Illegal Billing
1983	Saparilas, Mamie J.	01-2-0062255	19.95	Error-Illegal Billing
1982	Saparilas, Mamie J.	01-2-0062255	19.74	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 5/7/85

RESOLUTION NO. (1985) 777

A RESOLUTION APPROVING TAXATION EXEMPTION AS DESCRIBED HEREIN

WHEREAS, pursuant to G.S. 105-278, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to apply for tax release was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following named persons be approved for tax exemption:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1985	Friendship Baptist Church	$44,750	Approved
1985	Kelley-Clarke, Inc.	6,241	Approved
1985	Majestic Distilling Co.	45,832	Approved
1985	Port Clyde Packing Co., Inc.	26,273	Approved
1985	Upper Room Church of God in Christ	71,010	Approved
1985	Upper Room Church of God in Christ	71,010	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 5/7/85

***PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTIONS ADOPTED

The City Clerk presented the following preliminary resolutions and recommended that the preliminary resolutions be adopted which would set a public hearing to consider confirmation of cost during the June 4, 1985, Council Meeting:

Paving AR 691 - Arlington Street
Paving AR 692 - Boone Trail
Paving AR 693 - Spring Hill Avenue
Sewer AR 1019 - St. Andrews Presbyterian Church area

Ms. Babb moved the Clerk's recommendation be upheld. Her motion was seconded by Mayor Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 771

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 692
Powell Fund

WHEREAS, by Resolution No. (1982) 941 adopted by the City Council on June 15, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 31 feet back-to-back on Boone Trail from Sheldon Drive to Rush Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $11,111.39.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Leonard & Louise Caviness	1	0012524	95.59	$ 955.90		$ 955.90
Jack T. Yeargan	2	0080199	100.0	1,000.00		1,000.00
Marion G. Batey & Mertie H.	3	0056129	100.0	1,051.33		1,051.33
Lemuel C. Hogge	4	0031841	120.0	1,200.00		1,200.00
Marion G. Batey & Marion G. Batey, Jr.	5	0009774	131.0	1,322.83		1,322.83
Robert & Carolyn Plummer	6	0035794	145.0	1,501.33		1,501.33
Clyde & Jean Tunstall	7	0071511	150.0	1,500.00		1,500.00
Lunelle Yeargan	8	0080221	127.5	1,275.00		1,275.00
Samuel O. & Teeny Badgett	9	0034207	130.5	1,305.00		1,305.00
			1,099.59	$11,111.39		$11,111.39

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 692 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 4th day of June, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/7/85

RESOLUTION NO. (1985) 772

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1019

WHEREAS, by Resolution No. (1983) 271 adopted by the City Council on June 21, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make and assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU 1983-7 - Installation of approximately 425 feet of eight-inch sanitary sewer main beginning at the existing manhole at the rear of Lot 49, Sheet 325, northward within existing easement.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $2,371.31.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage of property abutting the extension.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Ralph L. Gut	1	0038016	-	96.38	$1,250.05
St. Andrews Presbyterian Church, Inc.	2	0082622	-	86.45	1,121.26

Cost Per Foot: $12.97

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1019 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. THat a public hearing will be held on the 4th day of June, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/7/85

RESOLUTION NO. (1985) 773

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 693
Powell Fund

WHEREAS, by Resolution NO. (1982) 944 adopted by the City Council on August 3, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 31 feet back to back on Springhill Avenue from Carolina Pines Avenue to Oak Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $15,465.56.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
William W. Stephens	1	006732	150.0	1,500.00		$ 1,500.00
J. T. Killebrew & Hattie	2	0039059	90.0	900.00		900.00
Carl L. Speicher & Elizabeth	3	0066336	70.0	712.83		712.83
Roland T. Stutts & Agnes	4	0068713	142.8	1,479.33		1,479.33
Delores D. Pleasant	5	0055733	100.0	1,000.00		1,000.00
William J. Berry & Maxine	6	0005964	154.0	1,540.00		1,540.00
Joel Mark Yarborough & Valerie	7	0061143	59.8	598.00		598.00
Marie Matthews	8	0044977	60.0	677.00		677.00
Thelma Mae Woodlief	9	0079502	60.0	600.00		600.00
Thelma Mae Woodlief	10	0079501	60.0	600.00		600.00
Tony L. & Ronald E. Sharp	11	0048997	60.0	600.00		600.00
Barney G. Joyner	12	0077410	60.0	600.00		600.00
Tony Wayne Carroll	13	0011935	60.0	600.00	200.00	800.00
Robert V. Ginnis & Nancy	14	0076790	60.0	600.00		600.00
Thomas C. Ward	15	0066421	59.3	593.00		593.00
City of Raleigh	16	0058266	58.52	585.20		585.20
B. M. Hobbs	17	0031343	60.0	600.00		600.00
B. M. Hobbs & Vera S.	18	0031345	58.52	585.20		585.20
Allen K. Thompson, Jr., & Sandra	19	0066644	89.5	895.00		895.00
			1,512.44	15,265.56		$15,465.56

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 693 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 4th day of June, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/7/85

RESOLUTION NO. (1985) 774

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 691
Powell Fund

WHEREAS, by Resolution No. (1982) 64 adopted by the City Council on October 19, 1982, the local improvement hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving twenty-seven feet back-to-back on Arlington Street from Pineview Street to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $2,673.50.

Section 3. That the City Council hereby makes and assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
L. Byron Burney & Wife	1	0010416	52.35	523.50		$ 523.50
J. L. & Clyde B. Walker	2	0073471	76.5	765.00		765.00
Henry M. Garrett	3	0008190	138.5	1,385.00		1,385.00

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 691 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 4th day of June, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/7/85

***EXECUTIVE SESSION - HELD

City Attorney McCormick requested that the City Council go into Executive Session to discuss a possible legal action concerning a contract. Ms. Babb moved that the Council go in Executive Session to discuss the matter outlined by the Attorney. Her motion was seconded by Mr. Walters. The City Council went into Executive Session at 4:30 p.m. in the Mayor's Conference Room.

The City Council reconvened in the Council Chamber at 4:44 p.m. with Mayor Upchurch reporting the Council received a report concerning the legal status of a construction contract and authorized the City Manager and the City Attorney to take action that will be reported at a later meeting. Mayor Upchurch announced the meeting adjourned at 4:45 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jo/cc1

RESOLUTION (1985) - 784

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF MCCOMBS PROPERTIES VII, LTD. (FOREST OAKS APARTMENTS).

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by McCombs Properties VII, Ltd. for the following public purpose:

To promote the public safety and welfare, to provide means of convenient transportation for the general public, to facilitate the orderly flow of traffic throughout the City, and to provide and improve means of public passage, specifically, to extend Atlantic Avenue between Millbrook Road and Spring Forest Road.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

An easement for public street purposes, including other customary uses of street right-of-way such as public utility, sidewalk, storm drainage, cable television transmission and related uses in and over the property identified as lot no. 3 as shown on a map recorded in Map Book 1984, p. 628, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: May 7, 1985

Effective: May 7, 1985

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, May 7, 1985, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with taken as shown.

***BROUGHTON RECOGNITION - HIGH SCHOOL CORAL GROUP AND BAND - RECOGNIZED

Mayor Upchurch indicated the Broughton High School coral group - Carolina Spirit who won third placed in a national competition in Los Angeles was at the meeting tonight to perform for the Council. He indicated prior to that, he was happy to find out that the high school Golden Regiment Marching Band under the direction of Jeffrey H. Richardson, better known as "J. R.," had just returned from the Shenandoah Apple Blossom Festival in Winchester, Virginia from the 58 Annual Band Competition. Bands from across the country representing were represented with one band coming from California. He explained there were five competitive categories and Broughton entered four in which they were grouped according to size. He indicated Broughton won their class and were presented the Lions Award pointing out they were first out of 78. He explained Broughton won second place in the overall competition by amassing the second most number of points, that is, second out of 116. The Drum Major and Flags came out best in the overall competition. He pointed out there are 150 members of the band this year, 55 of which are freshman. He explained the band director is pleased with the progress they have made and the achievements this year. The trophy won was on exhibit in the Council Chamber.

Mayor Upchurch introduced the director of the Broughton High School coral group pointing out Carolina Spirit has received a lot of recognition recently. The director is Craig McBroom. The group performed a couple of numbers which was greatly appreciated by all.

REQUESTS AND PETITIONS OF CITIZENS

***PANNONIA SUBDIVISION - QUESTIONS RELATIVE TO ZONING - PLANNING COMMISSION TO GIVE REPORT

Katharina D. Erdelyi, representing Pannonia Associates, had requested permission to discuss the subdivision as it relates to spot zoning and economic hardship. Her partner was at the meeting indicating in 1983, ground was broken on this subdivision on Six Forks Road. It was a 54 acre tract and they were developing 31 one acre lots. It was explained that they had reserved the 8 acres at the front for staging and working in to the subdivision. He pointed out in that period, there was some change in requirements, etc. He indicated now they understand the remaining acres have to be developed in 2 acre lots and they would just like an opportunity to develop the remainder of the property as the first property is developed.

City Manager Benton indicated this subdivision was filed in August of 1984 and it was filed at a time that the City was going through the questions about Falls Basin. He indicated this particular area is in the primary watershed. He pointed out the subdivision itself is still pending in the Planning Commission and it might be appropriate for the City Council to refer this request to the Planning Commission and ask that they move to bring the recommendation back to the City Council. Ms. Babb questioned how far this area is within the area that requires 2 acres lots with Planning Director Chapman indicating it is adjacent to the boundary line. Ms. Babb questioned if the City had established the boundary line at the lower position if this subdivision would have been O.K. She indicated she just wanted to clarify this as this is the kind of thing she was concerned about several months ago when she questioned the location of the boundary line. After brief discussion by general consensus, it was agreed to ask the Planning Commission to bring forth a recommendation on the subdivision.

***WASTEWATER TREATMENT PLANT - COMPLAINT OF ODORS - ADMINISTRATION TO PROVIDE REPORT

O. W. Strickland was at the meeting with 12 persons from the Bethlehem Community. He indicated they came as neighbors and did not bring thousands of people or an attorney. He stated, however, they do have a real problem. He stated he was not at the meeting to tell the Council that odors cause disease or that odors kill. He indicated, however, to be well, there must be an absence of disease and you must be mentally and physically well. He indicated he was at the meeting to complain about the odors from the Raleigh Wastewater Treatment Plant pointing out they have to apologize to everyone who visits them and are unable to utilize their outdoors as they would like. He compared it to living next door to someone who has septic tank problems and their septic tank flows to the surface. He indicated they were at the

meeting to ask the City's assistance. He stated he has not gone out and inspected the City's facility but he has worked with all 100 counties in North Carolina relative to problems such as this. He indicated Raleigh is growing rapidly and he knows that there are problems in keeping up with everything. He indicated for some reason, the wastewater treatment plan is not being operated properly as the sludge is going septic. He indicated possibly, it is not aerated properly and that is what is causing the odors. He indicated this is not a problem of people buying cheap lots because they were next to the wastewater treatment plant and then asking that the area be cleaned, these people were there years before the waste treatment plant was located in their neighborhood.

City Manager Benton indicated the plant is operating in compliance with the State regulations. He stated, however, there are some problems associated with the odor but pointed out it is being treated properly and it is not undigested sludge. He indicated there has been a problem with storing the sludge in the winter and this year, the City has had to work around the construction phase to enlarge the treatment plant and there were some problems with aerating properly. He indicated Administration is continuing to work on the problem and he would pledge to the Council and the citizens that they will get the problem taken care of. He indicated it was a problem that did get away from the City this spring. Ms. Block questioned if the problem was only this spring with Mr. Strickland indicating it had been worse than usual. Brief discussion took place with various Council Members asking when Administration hopes to have the problems resolved. City Manager Benton indicated land application is an integral part of our plant operation and the City is doing a number of things to address the winter storage problems. After brief discussion, Mayor Upchurch referred the comment to Administration and asked Administration to give a report at the next meeting.

***NORTH CAROLINA HOUSING FINANCE AGENCY - BROOKSIDE APARTMENTS AND STONEHENGE RETIREMENT VILLAGES - RESOLUTIONS ADOPTED

A representative of the Highland Mortgage Company was at the meeting to request the City Council to adopt resolutions authorizing the participation of the North Carolina Housing Finance Agency in two projects: (1) Brookside Apartments - 68 units on Brookside Drive; and (2) Stonehenge Retirement Villages - approximately 150 units at the intersection of Creedmoor Road and Sawmill Drive. Without discussion, Ms. Babb moved adoption of the resolutions authorizing the participation as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 801

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Creedmoor Road and Sawmill Road in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

Stonehenge Retirement Village, a congregate living facility of not more than 150 units situated on 6.5 acres, more or less, at the intersection of Creedmoor Road. Twenty percent of the units would be made available to persons and/or families whose income is less than 80 percent of the median for the City. Opportunity would be limited to the elderly.

RESOLUTION NO. (1985) 802

RESOLUTION REQUESTING AND APPROVED THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Brookside Drive in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

Brookside Apartments, a 68 unit apartment complex located adjacent to Conn Elementary School on Brookside Drive. At least twenty percent of the units in the complex would be rented to families whose income is less than 80 percent of the median for Raleigh.

***ENCROACHMENT - NEWS AND OBSERVER PUBLISHING COMPANY - APPROVED CONDITIONALLY

Representatives of G. Milton Small, III, representing the News and Observer Publishing Company, was at the meeting to request an encroachment of seven feet to allow construction of a projecting cover at Martin Street entrance to the News and Observer Building. In response to questioning, City Manager Benton indicated staff would recommend approval of the request subject to the proper encroachment agreement being executed, proper permits being secured and adherence to the North Carolina Building Code. Mr. Keller moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ABANDONED VEHICLE - 122½ EAST WHITAKER MILL ROAD - TO BE PLACED ON JUNE 4 AGENDA

Mrs. Beecher R. Znkayn was at the meeting to appeal the Inspections Department's orders relative to an alleged abandoned vehicle at 122½ East Whitaker Mill Road. Mrs. Znkayn indicated she did not know what information the Council had about this item. Housing Inspections Supervisor Bartholomew indicated the Inspections Department notified her concerning the abandoned vehicle in accordance with the City Code and State law and she did not remove the vehicle. He indicated he had a signed statement from the realty company handling the location requesting that the vehicle be moved. He indicate the City was in the process of removing the vehicle when they received the appeal.

Mrs. Znkayn indicated she filed the appeal to buy some time as she only recently became aware of the problem. She stated there were two vehicles and one has been removed but will be returned when it is repaired and then she will start the repairs on the school bus that is at the location presently. She stated she could deal with the problem in about 30 days but questioned how much time she could have. She stated if she could do the repairs herself on the property, she could complete them within about 60 days but if necessary, she could have the vehicle removed and repaired off premises. Brief discussion took place with it being pointed out nothing would prevent the landlord or property owner from having the car removed even if the City did delay action. Mrs. Znkayn indicated she just needed some time to get the work done. In response to questioning, Mr. Bartholomew indicated there have been complaints from the neighbors. After brief discussion, Mr. Bartholomew indicated in talking with the neighbors, real estate people, etc., he did not feel that there would be any problems provided a date is set to have the vehicle repaired and/or removed. After other discussion by general consensus, it was agreed to place this item on the June 4 Agenda as a special item for further consideration.

***PARKING PROBLEM - PRINCETON STREET - REFERRED TO ADMINISTRATION

Sharon Sents, 520 Princeton Street, was at the meeting indicating her street is a five block long street between Latimer Road and a creek. She explained it is strictly residential. She pointed out she moved to this area in March of 1973 and there were no parking restrictions in front of about 1½ houses on the opposite side of the street. She stated, however, the people in the neighborhood got into a feud, a petition was passed around the neighborhood and there were no parking restrictions placed in front of 7 houses. She pointed out in 1981, there was an attempt to have this no parking restriction removed. She stated in reality when she entertains or has company, they generally ignore the sign prohibiting parking and there had never been any problem until this year. She stated she had contacted the City and was told to get the parking restrictions removed, she would have to take a petition and have it signed by all of the neighbors. She stated she did not have the time or the energy to do that. She stated, however, in March of 1985, her husband parked on the street and in about 20 minutes got a parking ticket as a result of a complaint in the neighborhood. She stated she got a petition up and had it signed by 12 people, however, because of time restraints, she just asked that it be passed from door to door and the petition has disappeared. She stated two guests in her home have received tickets in the past several weeks. She stated she has her home on the market for sale and had two offers of $84,500 last week, however, they were withdrawn when they saw the parking restrictions in front of the house. She explained the last incident was last Friday night when they entertained guests and the last person to arrive parked in front of the house and within 30 minutes, a police officer arrived. She stated the police officer had been called from south Raleigh to north Raleigh to give a parking ticket and had trouble finding it as he had never heard of Princeton Street. She stated as a taxpayer, she resents not being able to park in front of her house and also resents a police officer being called all the way across town to give a parking ticket on a purely residential street. She suggested that the Council make the speed limit on the entire street 25 miles per hour pointing out because of part of the street having restrictions and the other part not, people do not realize what is happening and skid marks are all over the street. She stated if this could not be accomplished then one side of the street should have parking prohibited and allow parking on the other and let everyone share the burden. She stated if this is not possible, she would request that she have at least one parking place in front of her house.

Discussion took place as to the best route to follow with Ms. Block questioning if the people who originally petitioned for no parking still desire that. She suggested the possibility of Administration sending a letter to all property owners questioning their desires. This was discussed briefly, however, after discussion on the best way to proceed with this matter, the City's policy in establishing no parking zones, etc., Mr. Calloway moved that the matter be referred to Public Works Committee. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNFIT DWELLING - HOLLY SPRINGS ROAD - REPEALER ORDINANCE ADOPTED; UNSAFE BUILDING - GLENWOOD AVENUE - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1985 - 535 declared the dwelling at 3301 Holly Springs Road unfit. The property is in the name of Jerry Campbell. He pointed out the property has been repaired, therefore, the ordinance should be repealed. He stated Ordinance 1985 - 497 declared the property of W. A. Yancey on Glenwood Avenue unsafe. He indicated the property has been sold and the new owner is demolishing it, therefore, that ordinance should be repealed. Mr. Calloway moved adoption of the repealer ordinances as recommended. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 561

AN ORDINANCE REPEALING ORDINANCE NO. (1985) 535 RELATING TO 3301 HOLLY SPRINGS ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance (1985) 535 is hereby repealed in this entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the Office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: May 7, 1985

Effective: May 7, 1985

ORDINANCE NO. (1985) 562

AN ORDINANCE REPEALING ORDINANCE NO. (1985) 497 RELATING TO 6325 GLENWOOD AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance (1985) 497 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the Office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: May 7, 1985

Effective: May 7, 1985

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNFIT DWELLING - 819 SOUTH BLOUNT STREET - WITHDRAWN; 548 EAST CABARRUS STREET - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance finding the following dwellings unfit and directing that they be placarded to prohibit their use and/or occupancy.

819 South Blount Street - Pauline Latta. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn.

548 East Cabarrus Street - Christine W. Deaver. No one asked to be heard. Ms. Cates moved adoption of an ordinance declaring the dwelling unfit. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 563

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Christine W. Deaver	548 East Cabarrus Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective May 7, 1985.

Adopted: 5/7/85

Effective: 5/7/85

***PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below:

208 South Tarboro Road - Willetta S. Delaney - $98. No one asked to be heard.

1516 Oakwood Avenue - Brantley Horton Estate - $94. No one asked to be heard.

111 Seawell Avenue - Adna J. Howell - $99. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges had been paid earlier in the day.

Ms. Block moved adoption of a resolution confirming the charges at 208 South Tarboro Road and 1516 Oakwood Avenue as outlined. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 803

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCES EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51) 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, Pursuant to said statutes of the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Willetta S. Delaney	208 South Tarboro Road Lot 18, Block B-17, Map B-2 ID# 0017728	$ 98.00
Bradley Horton Estate	1516 Oakwood Avenue Lot 9, Block G-40, Map G-3 ID# 0059761	$94.00

Section 3. That this resolution shall become effective May 7, 1985.

Adopted: 5/7/85

***WATER ASSESSMENT ROLL 983-A - HEARING TO CONSIDER CORRECTION - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution to correct Water Assessment Roll 983-A to the end that Lot 6 will be divided into two parcels. The amount of the assessment is the same. A copy of the proposed resolution was included in the Agenda packet.

The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of the correcting resolution. Her motion was seconded by Ms. Cates a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 779

A RESOLUTION TO CORRECT WATER ASSESSMENT ON FALLS OF NEUSE ROAD

WHEREAS, by Resolution No. (1982) 67 adopted 10-19-82 effective upon annexation, the City Council confirmed Assessment Roll No. 983A as set forth in Resolution No. (1982) 36 and assessed property as follows:

OWNER	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	ASSESSMENT
Walter J. Debnam & Rachel	6	(0017652)	280.69	$2,823.74

AND WHEREAS, the assessment charged against the property should be amended because property was divided into two parcels prior to confirmation. Division is being made to correct assessment prior to annexation.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228:

OWNER	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	ASSESSMENT
Walter J. Debnam & Rachel	6	(0017652)	130.12	$1,309.01
William L. & Lewis P. Walton	6A.	(0074076)	150.57	1,514.73

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records and to refund to any property owner the amount, if any, by which he (or she) has overpaid the correct amount of the assessment against his (or her) property.

Adopted: 5/7/85

***STREET IMPROVEMENTS - BROCKTON DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains, and paving 41 feet back-to-back on Brockton Drive between existing pavement with sidewalks to be installed on the west side. The hearing is pursuant to petition, resolution, and notification as required by law. Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 804

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving 41 feet back-to-back on Brockton Drive between existing pavement sections with sidewalk to be installed on the west side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borned by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/7/85

***STREET AND PUBLIC UTILITY IMPROVEMENTS - GORMAN STREET - HEARING - RESOLUTIONS ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains, and paving 41 feet back-to-back on Gorman Street from Western Boulevard to Ligon Street with sidewalks on both sides and the installation of approximately 1,300 feet of 8-inch water main in Gorman Street between Western Boulevard and Ligon Street (PU 1985-11). Assessment would be on the front footage method. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Block moved adoption of a resolution directing the projects as advertised. Her motion was seconded by Ms. Babb and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 805

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-11 - Installation of approximately 1,300 feet 8-inch water main in Gorman Street between Western Boulevard and Ligon Street.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/7/85

RESOLUTION NO. (1985) 807

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against the abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving 41 feet back-to-back on Gorman Street from Western Boulevard to Ligon Street with sidewalks on both sides.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/7/85

***STREET IMPROVEMENTS - LAKE BOONE TRAIL - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of curbs, gutters drains, and paving on Lake Boone Trail from Edenburgh Road to Brooks Avenue. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates indicated she had received a couple of calls on this, therefore, she would request that this item be referred to Public Works Committee and so moved. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET CLOSING - THE POINTE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of The Pointe right-of-way. The hearing is pursuant to petition, resolution, and notification as required by law. Planning Director Chapman explained the proposal pointing out this is just a slight change in the alignment of The Pointe and just shortens the cul-de-sac. He stated staff has no objection. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution closing the street right-of-way as advertised. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 806

A RESOLUTION ORDERING THE CLOSING OF THE POINTE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of The Pointe right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The above described portion of The Pointe be closed permanently as follows:

All of Tracts 1, 2 and 3 as shown on plat entitled "Winchester Pointe at Greystone A Part of Greystone Village" dated 8/8/83 and revised 11/16/84 containing a total of 0.3434 acres. The portion to be closed is the southern 140± feet of the street.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 5/7/85

Effective: 5/7/85

***ANNEXATION - PINES OF BROOKHAVEN - HEARING - ORDINANCE ADOPTED ANNEXING THE AREA

This was a hearing to consider the annexation of an area known as Pines of Brookhaven. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the location and how it qualifies for annexation. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of an ordinance annexing the area effective June 30, 1985. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 564

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS PINES OF BROOKHAVEN

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on May 7, 1985 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, and and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985:

PINES OF BROOKHAVEN

Beginning at a point in the existing (4-1-85) Raleigh City Limits, said point also being at the northeastern corner of Lot 4 of Pines of Brookhaven Subdivision as shown on Book of Maps 1984, Page 1031, at the Wake County Registry; thence with the boundaries of said subdivision according to said recorded map the following courses and distances: South 03° 26' 34" West 488.60 feet, South 86° 00' 36" West 206.98 feet, South 15° 42' 17" East 13.36 feet, North 66° 29' 24" West 808.36 feet, North 04° 09' 34" East 246.54 feet to a point in said existing City Limits; thence with the northern boundary of Pines of Brookhaven Subdivision and said City Limits, South 86° 48' 11" East 957.07 feet ± to the point of Beginning.

Section 2. It is being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

***ANNEXATION - GREYSTONE VILLAGE EXTENSION - HEARING - ORDINANCE ANNEXING AREA ADOPTED

This was a hearing to consider the annexation of an area known as Greystone Village Extension. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the area and how it qualifies for annexation. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of an ordinance annexing the area effective June 30, 1985. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 565

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS GREYSTONE VILLAGE EXTENSIONS

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on May 7, 1985 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985:

GREYSTONE VILLAGE EXTENSIONS

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL I

Beginning at a point in the existing (3-1-85) Raleigh City Limits, said point also being in the eastern right-of-way of Lead Mine Road 440 feet ± North of the point where the eastern right-of-way of said Lead Mine Road intersects the center of Sawmill Road; thence North 82° 26' 42" West 68 feet ± to a point in the western right-of-way of Lead Mine Road; thence in a northerly direction along a counterclockwise curve, having a radius of 876.06', 155.9' to a point; thence North 02° 20' East 269.45' to a point; thence along a counterclockwise curve, with a radius of 917.54', 540.00' to a point; thence leaving said City Limits South 86° 55' 42" East 950 feet ± to the eastern right-of-way of Lead Mine Road, said point also being in said City Limits; thence southwesterly with the eastern right-of-way of said road 1,215 feet ± to the point of Beginning, containing 11.378 acres according to a plat entitled, "Annexation Plat, Greystone Subdivision," dated May 30, 1980, and revised May 21, 1981, February 8, 1982, and June 4, 1982, April 26, 1983, July 10, 1983, January 14, 1985 and February 22, 1985, prepared by Bass, Nixon and Kennedy, Incorporated.

PARCEL II

Beginning at a concrete monument, said monument being the southwestern corner of the Jordan H. Parker property in the eastern line of the property now or formerly owned by Lawrence B. Shuping; thence South 01° 08' 53" West 1,437.41' to a concrete monument; thence North 87° 58' 47" West 497.33' to the center of the creek; thence in a northerly direction with meandering of said creek 1,500' ± to a point; thence South 89° 25' 39" East 120' to the point of Beginning, containing 9.205 acres according to a plat entitled, "Annexation Plat, Greystone Subdivision," dated May 30, 1980, and revised May 21, 1981, February 8, 1982, June 4, 1982, April 26, 1983, July 10, 1983, January 14, 1985 and February 22, 1985, prepared by Bass, Nixon and Kennedy, Incorporated.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Adopted: 5/7/85

Effective: 6/30/85

***ANNEXATION - KINGSBOROUGH ESTATES - HEARING - ORDINANCE ADOPTED ANNEXING AREA

This was a hearing to consider the satellite annexation of an area known as Kingsborough Estates. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the location and how it qualifies for annexation. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of an ordinance annexing area effective June 30, 1985. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 566

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY NONCONTIGUOUS TO THE CITY LIMITS DESCRIBED AS KINGSBOROUGH ESTATES

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-58.1, as amended, of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on May 7, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. By virtue of the authority granted by G.S. 160A-58.1 as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Raleigh, as of the 30th day of June, 1985:

BEGINNING at a stake in the southern right-of-way line of U.S. Highway 64, said stake marking the northeast corner of now or formerly E. W. Currin lands and being further at the point where the western line of a 30-foot access roadway granted to Carolina Power & Light Company intersects the said southern right-of-way line of U.S. Highway 64; running thence with the southern right-of-way line of U.S. Highway 64 South 53° 56' 48" East 65.35 feet to a stake; thence leaving said Highway, South 03° 03' West 298.10 feet to a stake; thence South 53° 56' 48" East 108.23 feet to a stake; thence North 36° 5' 12" East 250.00 feet to a stake again in the southern right-of-way line of said U.S. Highway 64; thence along said southern right-of-way line South 53° 56' 48" East 60.00 feet to a stake; thence again leaving said Highway, South 36° 5' 12" West 250.00 feet to a stake; thence South 53° 56' 48" East 392.08 feet to a stake; thence with the Western line of now or formerly lands belong to the Seymour Heirs, South 3° 47' 5" West 1,468.83 feet to a stake; thence with the western line of land now or formerly belong to the Rogers Estate and to Jack Upham South 4° 45' 44" West 2,835.18 feet to a stake; thence continuing with said Upham's line South 4° 4' 25" West 582.88 feet to a stake; thence North 85° 53' 15" West 207.45 feet to a stake; thence North 17° 44' 00" West 404.34 feet to a stake; thence North 86° 57' West 60.00 feet to a stake; thence with the western line of the aforementioned 30-foot access roadway granted to Carolina Power & Light Company North 3° 3' 00" East

5,142.30 feet to the point and place of BEGINNING. Containing 54,714 acres according to survey entitled "Property of Barker Mobile Home Estates, a Partnership," prepared by John A. Edwards & Company, dated August 18, 1982.

Section 2. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 5/7/85

Effective: 6/30/85

***ANNEXATION - RALEIGH TOWNHOUSES - HEARING - ORDINANCE ANNEXING AREA ADOPTED .

This was a hearing to consider the contiguous annexation of an area known as Raleigh Townhouses. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman explained the area and how it qualifies for annexation. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of an ordinance annexing the area effective June 30, 1985. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 567

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS RALEIGH TOWNHOUSES

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on May 7, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985:

RALEIGH TOWNHOUSES

BEGINNING at a point in the northwestern edge of the right-of-way of U.S. Highway 401, said point being the southernmost corner of Lot 74 of North Farms Subdivision according to a map recorded in Book of Maps 1980, Page 474 of the Wake County Registry; thence with the curve of said right-of-way of U.S. Highway 401 the following chord bearings and distances: (1) South 39 degrees 44 minutes 15 seconds West 107.71 feet to a point, (2) South 41 degrees 25 minutes 15 seconds West 98.64 feet to a point, (3) South 43 degrees 23 minutes 15 seconds West 98.11 feet to a point, (4) South 46 degrees 16 minutes 30 seconds West 97.41 feet to a point, (5) South 49 degrees 34 minutes West 97.88 feet to a point, (6) South 52 degrees 08 minutes 30 seconds West 92.88 feet to a point, (7) South 54 degrees 55 minutes 30 seconds West 60.57 feet to a point, and (8) South 56 degrees 45 minutes 40 seconds West 45 feet to a point designated as "CONTROL POINT" on the map referred to below, said point also being a corner of the property of North Boulevard Industrial Park; thence with the property line of North Boulevard Industrial Park North 53 degrees 27 minutes 30 seconds West 1120.40 feet to a point; thence North 14 degrees 09 minutes 45 seconds West 320 feet to a point in the southern property line of Westminster Company; thence with the southern property line of Westminster Company North 86 degrees 02 minutes 45 seconds East 991.03 feet to a point; thence continuing with the property line of Westminster Company and the property line of North Farms Subdivision South 41 degrees 01 minute 45 seconds East 756.24 feet to the point of BEGINNING, containing 20.8044 acres, according to a boundary survey of the property of J. Randolph Segar, Jr., dated December 6, 1984, prepared by Bennie R. Smith, Registered Surveyor.

Section 2. It is being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 5/7/85

Effective: 6/30/85

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 8:10 p.m.

Gail G. Smith
City Clerk

jo/cc2